

CITY OF  
**FREMONT**  
NEBRASKA PATHFINDERS  
**COMMUNITY DEVELOPMENT AGENCY MEETING**  
**June 24, 2014 AT 7:00 P.M.**  
**City Council Chambers 400 East Military, Fremont NE**  
**AGENDA**

1. Meeting called to order
2. Roll call
3. Continued [Resolution](#) approving general redevelopment [plan](#) for Downtown District project ([staff report](#))
4. Adjournment

**CITY COUNCIL MEETING**  
**June 24, 2014**  
**City Council Chambers 400 East Military, Fremont NE**  
**STUDY SESSION – 6:45 P.M.**  
**REGULAR MEETING – 7:00 P.M.**

1. Meeting called to order
2. Roll call
3. Mayor comments (There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

*PUBLIC HEARINGS AND RELATED ACTION:*

4. Public Hearing for Citizen Advisory Review Committee on Economic Development [Program](#) (LB840) ([staff report](#))
5. Continued Public Hearing on general redevelopment [plan](#) for Downtown District ([staff report](#))
6. Continued [Resolution](#) approving general redevelopment plan for Downtown District ([staff report](#))

*CONSENT AGENDA: All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately.*

7. Dispense with reading of and approve June 10, 2014 [minutes](#)
8. June 11 - 24, 2014 [claims](#) ([staff report](#))
9. [Resolution](#) approving consumption of alcohol on city property for John [Borchers](#), Christensen Field, July 23, 2014; Nancy [Roeder](#), City Auditorium, September 12, 2015 ([staff report](#))
10. [Resolution](#) approving Special Designated Permit applications for [LeRoys](#) LLC, 1710 West 16th, July 18, 2014, reception; [Rise's](#) Drive-In Liquor, 431 North Union, October 11, 2014, reception ([staff report](#))

## AGENDA

### *CONSENT AGENDA CONTINUED:*

11. Addition to premise for [Jack's](#), 16 Bell Center, class CK liquor license ([staff report](#))
12. [Resolution](#) approving agreement with [AVI](#) for Council Chambers upgrade ([staff report](#))
13. [Resolution](#) approving no charge for library cards for Somers Point residents ([staff report](#))
14. [Resolution](#) approving Community Development Block [Grant](#) for 14-DTR-004 ([staff report](#))
15. [Resolution](#) approving Nebraska Department of Environmental Quality grant for Scrap Tire Cleanup ([staff report](#))
16. Appointment of Jack Kassebaum as [firefighter](#) ([staff report](#))
17. [Resolution](#) approving Midland University dedication of [easement](#) for round-about at East 10th and North Logan to the City of Fremont ([staff report](#))
18. [Resolution](#) approving [MainStreet](#) of Fremont for street closings July 26, 2014 for Crazy Days Sidewalk sale ([staff report](#))
19. [Resolution](#) approving Ashville Townhomes LLC request to [replat](#) Lot 12, Blk 3, Cambridge Square 1st Addition into two lots ([staff report](#))
20. Shiloh Place, LLC, Cyndi Whitten, request for PCU to allow Group Care Facility at 915 North H Street, Lots 8-10 of Dorsey's Subdivision ([staff report](#))
21. [Resolution](#) approving Bo Borisow request to [replat](#) TL 34, TL 88, 10-17-8 into one lot ([staff report](#))

### *REGULAR AGENDA: requires individual associated action.*

22. Third reading [Ordinance](#) annexing [property](#) located in SW corner of NW ¼ 19-17-9 ([staff report](#))
23. Second reading [Ordinance](#) amending Fremont Municipal Code, Chapter 3, Departments; Chapter 5, Snow Routes, Handicap Permits, Parking Meters; Chapter 10, Alcoholic Beverages ([staff report](#))
24. [Resolution](#) designating the [boundaries](#) of the Downtown Business Improvement District ([staff report](#))
25. [Resolution](#) appointing members to the Downtown Business Improvement District Board ([staff report](#))
26. Open 30 day comment period for the [Analysis](#) of Impediments to Fair Housing Choice ([staff report](#))
27. [Ordinance](#) authorizing the issuance of Combined Utilities Revenue Bonds, Series 2014B, in the amount of \$38,000,000 ([staff report](#))
28. [Resolution](#) authorizing condemnation proceedings for right-of-way acquisition along the 2013 West Military Improvements, Ridge Road to Pierce Street project ([staff report](#))
29. [Resolution](#) approving Richard & Cindy Horeis request to [replat](#) W 60' Lots 3 & 4, Blk 6 and S 60' E 90' and 14' vacated street adjoining Lot 3, Blk 6 and TL 368 Umstead's Addition ([staff report](#))
30. [Resolution](#) approving Eric Bowman request to [replat](#) Lots 3-6 together with N 60' Lot 2 except E 70' of S 6' of N 60' of said Lot 2, all Blk 23, Abbott's Addition, into one lot ([staff report](#))
31. [Ordinance](#) approving Eric Bowman request to [rezone](#) Lot 3-6 together with N 60' of Lot 2, except E 70' of S 6' of N 60' of said Lot 2, all Blk 23, Abbott's Addition, from R2 to LI District ([staff report](#))

## **AGENDA**

### *REGULAR AGENDA CONTINUED:*

32. Ron Vlach, owner of Victory Lake Marine, [request](#) to erect an oversized accessory building as PCU at 2450 W Military ([staff report](#))
33. Reconsider and rescind [Resolution](#) No. 2014-099 approving Group Med Partnership to combine part of SE 1/4 SW 1/4 9-17-8 into one lot ([staff report](#))
34. Adjournment

Agenda posted at the Municipal Building on June 20, 2014 and online at [www.fremontne.gov](http://www.fremontne.gov). Agenda distributed to the Mayor and City Council on June 20, 2014. The official current copy is available at City Hall, 400 East Military, City Clerk's Office. The City Council reserves the right to go into Executive Session at any time. A copy of the Open Meeting Law is posted in the City Council Chambers for review by the public. The City of Fremont reserves the right to adjust the order of items on this agenda.

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer / Interim Planning Director

**DATE:** 20 June 2014

**SUBJECT:** Community Development Agency approval of a general redevelopment plan for the downtown area.

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**Recommendation:** Move to approve Resolution.

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**Request:** The Greater Fremont Development Council seeks approval of a general redevelopment plan for the downtown area.

Background: The general redevelopment plan is a follow up item to the blight and substandard study approved by Planning Commission on August 14, 2011 and by City Council on May 27, 2014. The redevelopment plan is designed to begin addressing the factors that contributed to the blighted and substandard conditions found in the study area.

The general redevelopment plan is required under state statutes in order to begin pursuing additional activities that address the issues found within the study area. It also allows the City to solicit and/or receive proposals for redevelopment from the private sector; and opens the door for other potential funding opportunities and redevelopment activities/projects.

The Planning Commission will consider this item at a special meeting to be held June 23, 2014.

**Findings:** The proposed redevelopment plan is in conformance with the requirements of the Future Land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

**CDA#3**

**CDA RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF FREMONT, NEBRASKA, MAKING RECOMMENDATIONS WITH RESPECT TO THE GENERAL REDEVELOPMENT PLAN FOR THE DOWNTOWN AREA PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Fremont, Nebraska (the "City") by its Ordinance created the Community Development Agency of the City of Fremont, Nebraska (the "Agency") pursuant to Section 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, On May 27, 2014 the City has declared the area blighted and substandard under the Act of purposes of review and recommendation pursuant to Section 18-2109 of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS:

RESOLVED, that the Community Development Agency of the City of Fremont, Nebraska hereby approves the general redevelopment plan and makes the following findings with respect to the Downtown general redevelopment plan:

1. The CDA has reviewed the general redevelopment plan as to its conformity with the comprehensive plan for the development of the City as a whole; and
2. The CDA approves the general redevelopment plan as set forth in the Act.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

General Redevelopment Plan  
for the  
Fremont Downtown Area  
May 2014



Prepared by:  
Fremont Planning Department

## **Purpose of the Redevelopment Plan**

The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the Downtown Redevelopment Area. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

## **Legal Description of the Redevelopment Area**

The legal description for the downtown redevelopment area is the same as adopted in the resolution that declared it a blighted and substandard area; which was more particularly described as:

Block 203 located north of the former C & NW Railroad Right-of-Way, Block 204 and Lots 3, 4, 5 and 6 in Block 205, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Blocks 185, 184, 183 and Lots 5 and 6, Block 182, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Blocks 171, 172, 173, 174 and Lots 4, 5 and 6, Block 175, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Blocks 156, 155, 154, 153 and Lots 2 thru 6 inclusive, Block 152, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Lots 1 and 2, Block 140, the North 46.66 feet of the East 15.5 feet of Lot 7 and the North 46.66 feet of Lot 8, Block 140, Blocks 141, 142, 143, 144 and Lots 3, 4, 5 and the West 59 feet of Lot 6, Block 145, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Blocks 126, 125, 124, 123 and Lots 3, 4 and 5, Block 122, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

The South 44 feet of Lots 9 and 10, Block 111, Blocks 112, 113, 114 and Lots 5 and 6 and the South 10.5 feet of Lots 3 and 4, Block 115, together with adjoining vacated alleys, all in Original Town, Fremont, Dodge County, Nebraska.

Tax Lot 564, Block 212, Original Town, City of Fremont, Nebraska

Turner Square Subdivision Lot 1 and Lot 2, City of Fremont, Nebraska

## **Background**

Community Development Law, found in Sections 18-2101 through 18-2144 of the Nebraska Revised Statutes, allows a community to undertake efforts to revitalize blighted and substandard areas. The City has undertaken the preparation of this redevelopment plan with the desire to improve the social and economic well-being of the community by either introducing projects that address the conditions that contribute to blight or entertaining efforts by the private sector to alleviate such conditions through specific projects.

This redevelopment plan notes general activities and/or projects within the 23<sup>rd</sup> and Bell study area. A redevelopment project can involve a broad range of activities including:

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated
- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

However, it is important to note that state statutes mandate a detailed proposal outlining a redevelopment project or activity must be submitted to the City and its redevelopment authority for evaluation prior to approval as a qualified project. This also includes a cost benefit analysis for any potential project involving Tax Increment Financing (TIF).

With regard to the comprehensive plan, it is hereby incorporated by reference. Additionally, if any conditions found in the redevelopment plan are found to be in conflict with the comprehensive plan, the provisions of the comprehensive plan shall supersede this document. Furthermore, this redevelopment plan shall not constitute an amendment of the comprehensive plan.

### **Outline of the Redevelopment Plan**

The area included in redevelopment plan is highlighted in Figure 1, which is on the following page.





### **Potential redevelopment projects**

As specific redevelopment projects are considered for the area, multiple factors contributing the blighted and substandard conditions should be addressed. Possible activities that would improve these conditions include:

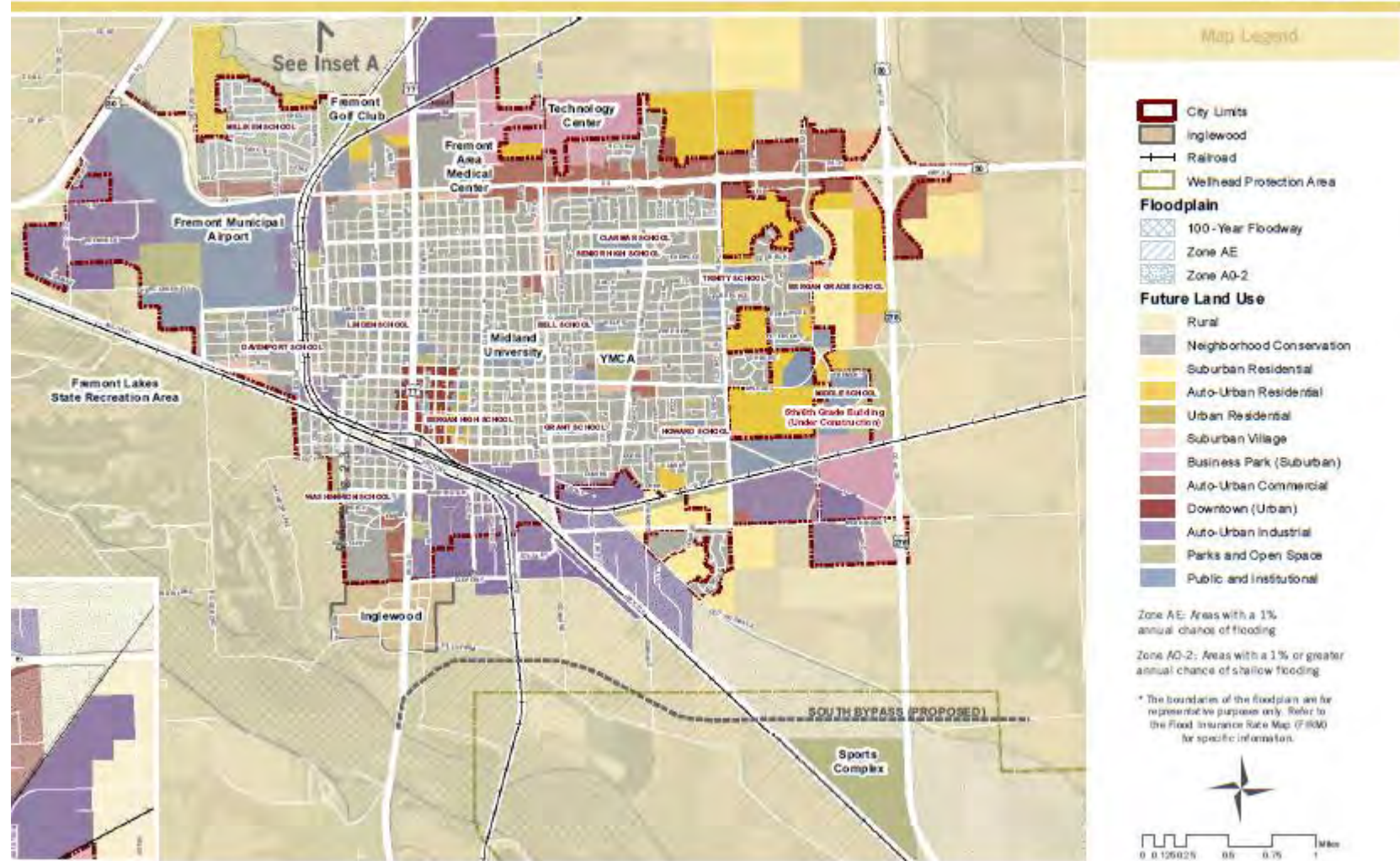
- Removal of deteriorating and/or dilapidated structures
- Renovation or rehabilitation of structures. Including upper story rehabilitation and/or ground floor rehabilitation.
- Improving unsafe or unsanitary conditions relating to drainage and related infrastructure
- Assembling and platting of land for redevelopment
- Developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities
- Increased enforcement of municipal codes relating to nuisances
- Undertaking façade, structural, streetscaping, or landscape improvements in the area
- Other similar projects that contribute to the economic and social well-being of the community.

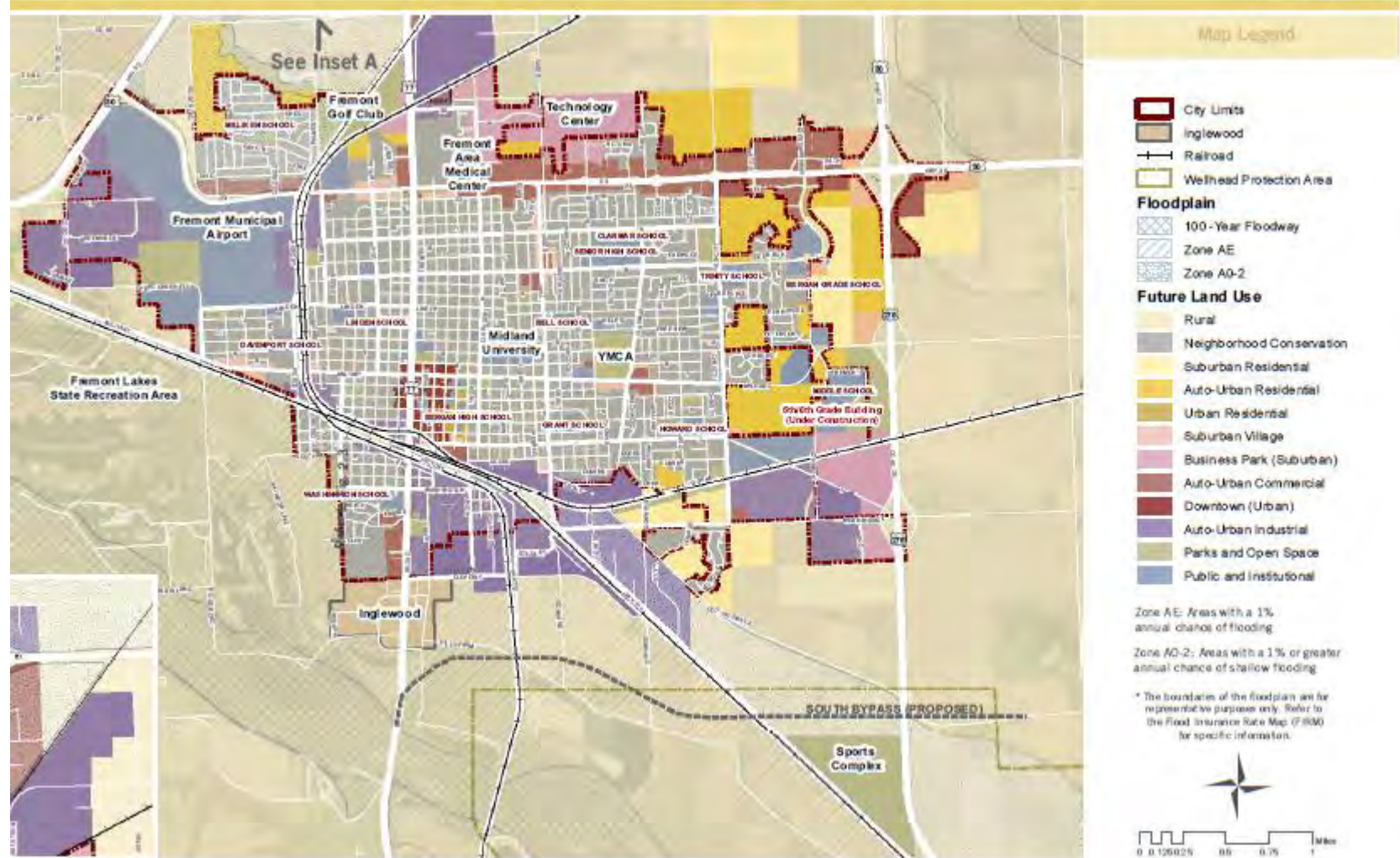
### **Relationship to the Comprehensive Plan**

Redevelopment activities should be in conformance with the future land use map (attached herein) as well as the comprehensive plan as a whole. Concerning the comprehensive plan, this redevelopment plan supports the recommendations regarding the improvement of existing housing stock, redevelopment of deteriorating economic areas, and improvement of facilities that enhance the overall quality of life. Because this redevelopment plan is general in nature, specific redevelopment project must be weighed against and found to be in harmony with the comprehensive plan before being undertaken.

With regard to land uses, the future land use map (attached herein) shows much of the redevelopment area as downtown.







## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Jean Kaup-Van Iperen, Office Services Associate

DATE: June 16, 2014

SUBJECT: Citizen Advisory Review (LB840) Committee Public Hearing

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Recommendation: 1) Move to open the public hearing. 2) Receive testimony. 3) Move to close the public hearing.

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Background: In accordance with the City's Economic Development Plan, the Citizen Advisory Review Committee meets at least once every six months to review the functioning and progress of the economic development program. At its June 19, 2014 meeting the Committee reviewed the quarterly financial status report.

The fund balance as of March 30, 2014 was \$4,678,825.36. That fund balance includes uncommitted funds of \$1,841,184.09. A member of the Citizen Advisory Review Committee, will represent the Committee during the public hearing.

Fiscal Impact: None.

**#4**

City of Fremont Nebraska  
Status of LB 840 Funds (ED portion only)  
3/31/2014 (draft - discussion copy)

LB840 Balance on 9/30/2013 \$ 4,465,293.97

Receipts through 3/31/2014		
Loan Repayments	\$	1,666.66
Farm Rents		40,239.20
Interest		1,266.43
Sale of lot		21,218.50
Sales Tax receipts		215,091.94
Total Receipts		279,482.73

Disbursements through 3/31/2014		
Tech Park Water & Sewer connection	\$	64,886.10
Tech Park Infrastructure	\$	1,060.66
Legal notices		4.58
Airport South Hangar project costs (net)	\$	-
		(65,951.34)

LB840 Balance on 3/31/2014 \$ 4,678,825.36

Fund balance 011-0000-271.59-00	\$	4,990,123.55
Less Loans o/s 011-0000-129.00-00 (9/30 bal)		(170,000.12)
Less Airport South Hangar project o/s 011-0000130.00-00		(141,298.07)

Known Committed Funds:

Technology Park (Data Center) Res 2011-047	\$	420,000	420,000.00
Technology Park (Data Center) Res 2013-095	\$	1,635,040	1,559,547.34
Morningside Business Park Res 2013-095	\$	444,000	444,000.00
			2,003,547.34

Pledged on Technology Park (if job creation not met - repayable) 975,392.00

Uncommitted funds \$ 1,841,184.09

Loans outstanding:	3/31/2014	Loan Balances @		CY Loan repayments	Outstanding loan balance 3-31-2014
		9/30/2013	Forgiveness		
Southwark Metal - \$50,000 repayable		\$ 20,000		\$ 1,667	\$ 18,333
Merritt Equip - \$150,000 perform base (11/7/2013)		\$ 150,000	\$ 150,000		\$ -
		\$ 170,000	A.	\$ 1,667	\$ 18,333

## STAFF REPORT

**TO:** Honorable Mayor and City Council

**FROM:** Justin Zetterman, City Engineer

**DATE:** June 19, 2014

**SUBJECT:** Public Hearing on general redevelopment plan for the Downtown District

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Recommendation: 1) Move to open the public hearing; 2) receive testimony; 3) Move to close the public hearing

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Background: After the City Council's designation of blight and substandard of the Downtown District at the May 27, 2014 Council meeting, the general plan was referred back to the Planning Commission. The Planning Commission will consider the general plan at a special meeting on June 23, 2014.

The redevelopment plan is designed to begin addressing the factors that contributed to the blighted and substandard conditions found in the study area. The general redevelopment plan is required under state statutes in order to begin pursuing additional activities that address the issues found within the study area. It also allows the City to solicit and/or receive proposals for redevelopment from the private sector; and opens the door for other potential funding opportunities and redevelopment activities/projects.

Findings: The proposed redevelopment plan is in conformance with the requirements of the Future Land Use Plan.



General Redevelopment Plan  
for the  
Fremont Downtown Area  
May 2014



Prepared by:  
Fremont Planning Department



## **Purpose of the Redevelopment Plan**

The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the Downtown Redevelopment Area. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

## **Legal Description of the Redevelopment Area**

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Tax Lot 564, Block 212, Original Town, City of Fremont, Nebraska

Turner Square Subdivision Lot 1 and Lot 2, City of Fremont, Nebraska

## **Background**

Community Development Law, found in Sections 18-2101 through 18-2144 of the Nebraska Revised Statutes, allows a community to undertake efforts to revitalize blighted and substandard areas. The City has undertaken the preparation of this redevelopment plan with the desire to improve the social and economic well-being of the community by either introducing projects that address the conditions that contribute to blight or entertaining efforts by the private sector to alleviate such conditions through specific projects.

This redevelopment plan notes general activities and/or projects within the 23<sup>rd</sup> and Bell study area. A redevelopment project can involve a broad range of activities including:

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated
- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

However, it is important to note that state statutes mandate a detailed proposal outlining a redevelopment project or activity must be submitted to the City and its redevelopment authority for evaluation prior to approval as a qualified project. This also includes a cost benefit analysis for any potential project involving Tax Increment Financing (TIF).

With regard to the comprehensive plan, it is hereby incorporated by reference. Additionally, if any conditions found in the redevelopment plan are found to be in conflict with the comprehensive plan, the provisions of the comprehensive plan shall supersede this document. Furthermore, this redevelopment plan shall not constitute an amendment of the comprehensive plan.

### **Outline of the Redevelopment Plan**

The area included in redevelopment plan is highlighted in Figure 1, which is on the following page.



### **Potential redevelopment projects**

As specific redevelopment projects are considered for the area, multiple factors contributing the blighted and substandard conditions should be addressed. Possible activities that would improve these conditions include:

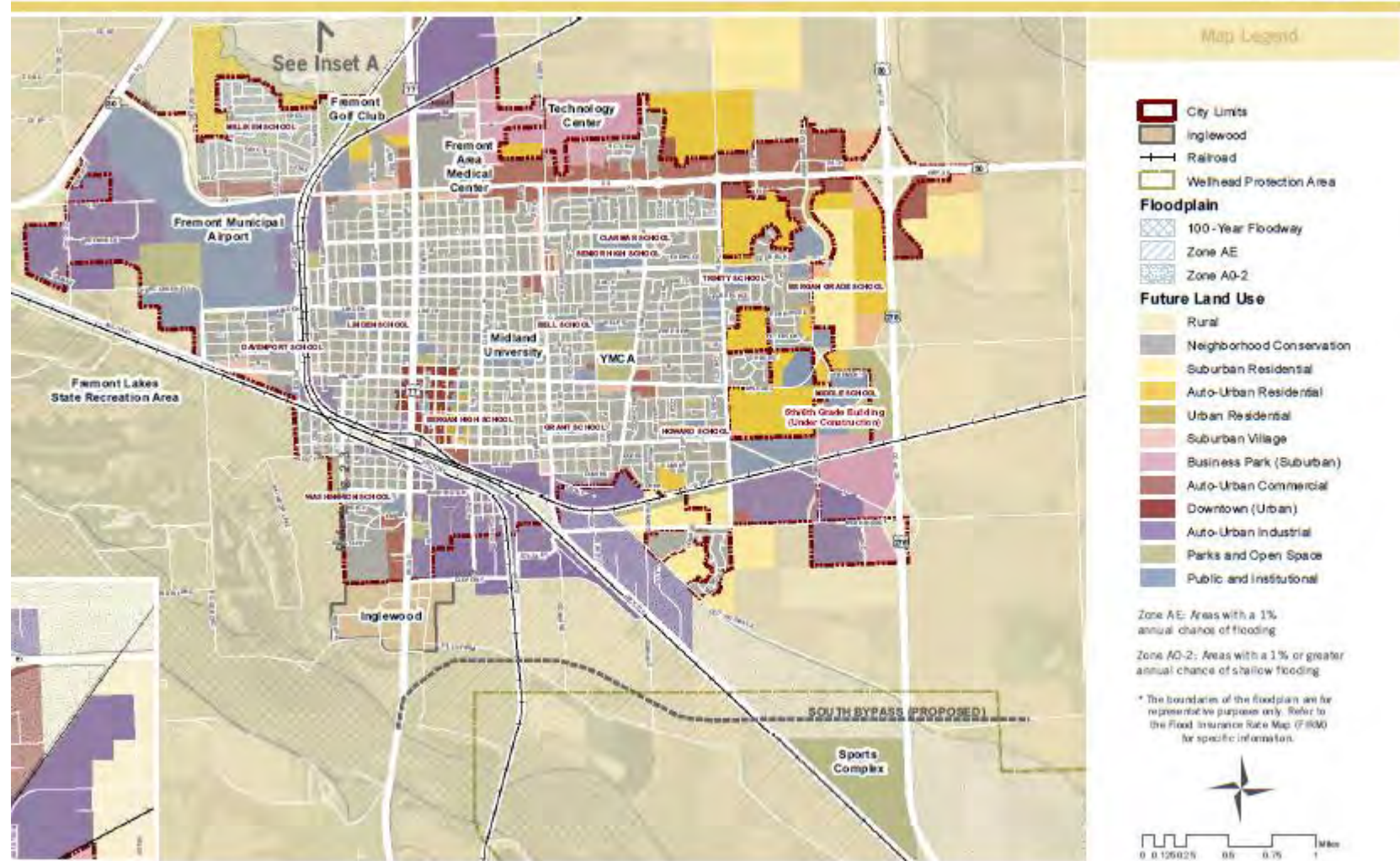
- Removal of deteriorating and/or dilapidated structures
- Renovation or rehabilitation of structures. Including upper story rehabilitation and/or ground floor rehabilitation.
- Improving unsafe or unsanitary conditions relating to drainage and related infrastructure
- Assembling and platting of land for redevelopment
- Developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities
- Increased enforcement of municipal codes relating to nuisances
- Undertaking façade, structural, streetscaping, or landscape improvements in the area
- Other similar projects that contribute to the economic and social well-being of the community.

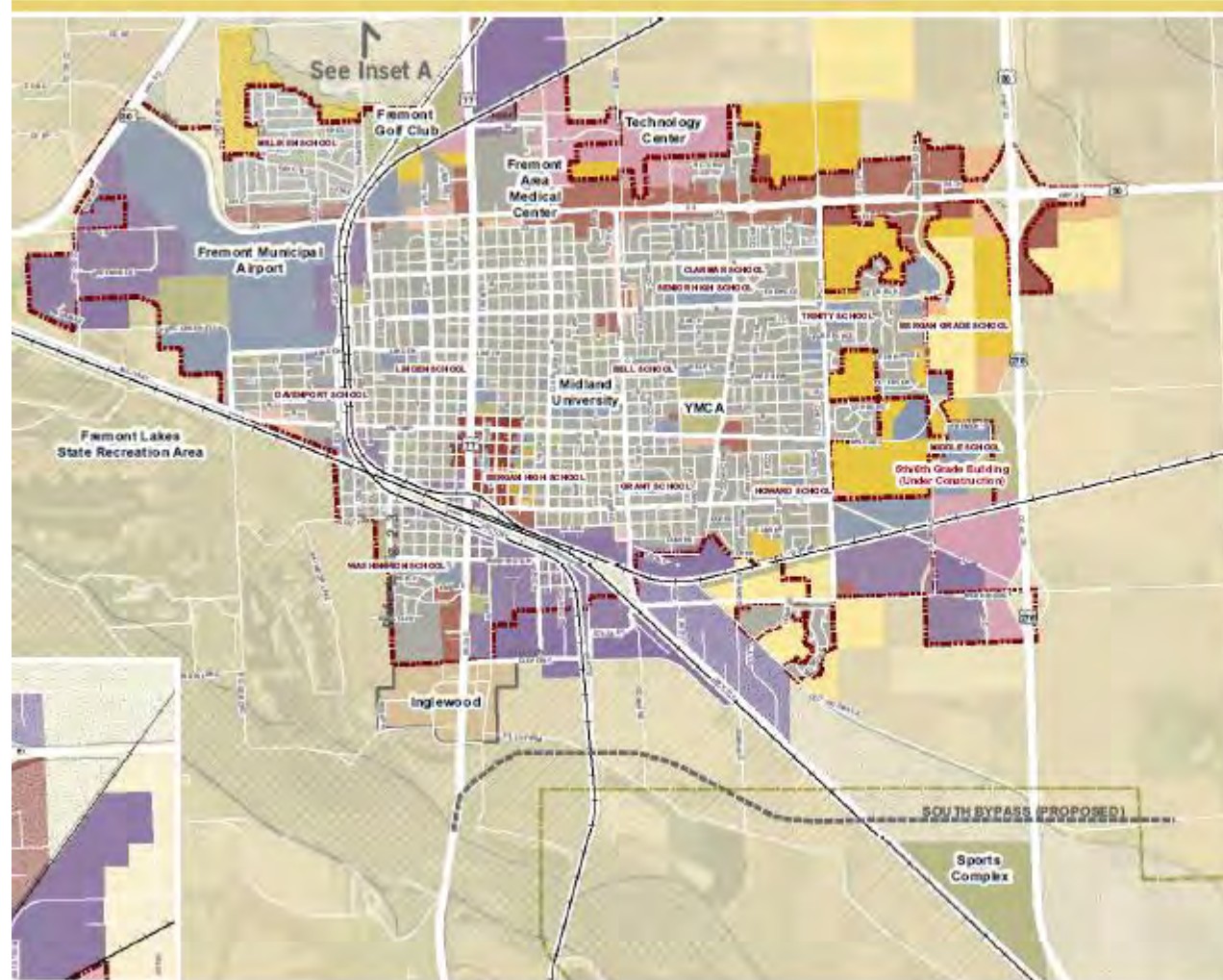
### **Relationship to the Comprehensive Plan**

Redevelopment activities should be in conformance with the future land use map (attached herein) as well as the comprehensive plan as a whole. Concerning the comprehensive plan, this redevelopment plan supports the recommendations regarding the improvement of existing housing stock, redevelopment of deteriorating economic areas, and improvement of facilities that enhance the overall quality of life. Because this redevelopment plan is general in nature, specific redevelopment project must be weighed against and found to be in harmony with the comprehensive plan before being undertaken.

With regard to land uses, the future land use map (attached herein) shows much of the redevelopment area as downtown.







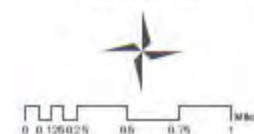
### Map Legend

- City Limits
- Inglewood
- Railroad
- Wetland Protection Area
- Floodplain**
  - 100-Year Floodway
  - Zone AE
  - Zone AO-2
- Future Land Use**
  - Rural
  - Neighborhood Conservation
  - Suburban Residential
  - Auto-Urban Residential
  - Urban Residential
  - Suburban Village
  - Business Park (Suburban)
  - Auto-Urban Commercial
  - Downtown (Urban)
  - Auto-Urban Industrial
  - Parks and Open Space
  - Public and Institutional

Zone AE: Areas with a 1% annual chance of flooding

Zone AO-2: Areas with a 1% or greater annual chance of shallow flooding

\* The boundaries of the floodplain are for representative purposes only. Refer to the Flood Insurance Rate Map (FIRM) for specific information.



## STAFF REPORT

**TO:** Honorable Mayor and City Council

**FROM:** Justin Zetterman, City Engineer

**DATE:** June 19, 2014

**SUBJECT:** General Redevelopment Plan for the Downtown District project

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**Recommendation:** Move to approve the Resolution

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**Background:** After receiving public input, the City Council will need to adopt the plan for the Downtown District. Both the Planning Commission and the Community Development Agency have seen the plan at this point and the order of consideration is now corrected.

**#6**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, MAKING RECOMMENDATIONS WITH RESPECT TO THE GENERAL REDEVELOPMENT PLAN FOR THE DOWNTOWN AREA PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.**

WHEREAS, the Mayor and City Council of the City of Fremont, Nebraska, (the "City") by its Ordinance created the Community Development Agency of the City of Fremont, Nebraska (the "Agency") pursuant to Sections 18-2101 through 18-2154, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, on May 27, 2014 the City determined the area be declared blighted and substandard under the Act for purposes of review and recommendation pursuant to Section 18-2109 of the Act;

WHEREAS, the City has created a general redevelopment plan pursuant to the provisions of the Act;

WHEREAS, on June 23, 2014, the Planning Commission reviewed and recommends the adoption of the proposed redevelopment plan under the Act;

WHEREAS, on June 24, 2014, the Community Development Agency reviewed and recommends the adoption of the proposed redevelopment plan under the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, AS FOLLOWS: that the City Council hereby makes the following findings with respect to the Downtown Area with regard to the general redevelopment plan:

1. The City Council has reviewed the plan as to its conformity with the general plan for the development of the City as a whole; and

2. The City Council confirms that the area proposed in the redevelopment plan meets the provisions as set forth in the Act.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk



CITY COUNCIL MEETING  
June 10, 2014 - draft  
7:00 P.M.

After the study session, the Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Stange, Bixby, Navarrette, Hoppe, Kuhns, Eairleywine, Anderson and Johnson present – 8 present, 0 absent.

Moved by Council Member Navarrette, seconded by Council Member Eairleywine to continue the Public Hearing on the general redevelopment plan for Morningside Business Park project. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Kuhns, seconded by Council Member Johnson to open the Public Hearing for the Community Development Block Grant Comprehensive Revitalization 14CR application. Roll call vote: 8 ayes. Motion carried.

Jean Kaup Van Ipre, Office Services Associate, stated this is a new community redevelopment project and it is the second phase coming out of a needs assessment done in 2012. The project will include two owner occupied residences as well as two rental rehabs. The fiscal impact to the city is \$116,000 which will be covered by doing a street overlay project from Park Street from Military to 2<sup>nd</sup> Street. She further stated that this is a change from the original water and sewer project that was slated to be done with this phase. The total cost of the project will be \$240,000.

There being no further testimony, moved by Council Member Kuhns, seconded by Council Member Stange to close the public hearing. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Johnson, seconded by Council Member Navarrette to approve Resolution No. 2014-101 approving the Community Development Block Grant Comprehensive Revitalization 14CR application. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Stange, seconded by Council Member Bixby to approve the consent agenda. Roll call vote: 8 ayes. Motion carried.

- Dispense with reading of and approve May 27, 2014 minutes
- May 28 - June 10, 2014 claims
- Resolution No. 2014-102 approving consumption of alcohol on city property for Tammi Marreel, Christensen Field, July 25, 2015, wedding reception; Brad Victor, Christensen Field, August 21, 2014, combine clinic; Paula Mercado, City Auditorium, June 20, 2015, birthday
- Resolution No. 2014-103 approving Special Designated Permit application Burtonian Enterprises, 1682 East 23rd Avenue North, June 22, 2014, beer garden; Rise's Drive-In Liquor, 925 North Broad, August 2, 2014, reception; Shawsky's LLC, 1710 West 16th, June 28, 2014, reception

- One year extension for Community Development Block Grant #13-CR-003
- Six month extension for Community Development Block Grant #11-CR-003
- Resolution No. 2014-104 approving Ron Vlach request to use Christensen Field and Fremont Municipal Airport for fireworks display July 3, 2014
- Tort claim of Alicia Carrera, 1750 North I
- Resolution No. 2014-105 approving John C Fremont Days Inc request for Pathfinder Duathlon route on July 13, 2014 and Ridge Road Run route on July 12, 2014
- Report of the Treasury
- Resolution No. 2014-106 approving agreement in the amount of \$16,500 with Prochaska and Associates for Police Department Renovation study

The Mayor offered the names of Jennifer Bixby, Bill Vobejda and Rob George to the Local Option Review Team. Moved by Council Member Navarrette, seconded by Council Member Johnson to approve the appointments for a two year term ending June 2016. Roll call vote: 7 ayes, 1 abstain (Bixby). Motion carried.

The Mayor offered the names of Larry Johnson and Paul Marsh to the Local Option Review Team. Moved by Council Member Anderson, seconded by Council Member Hoppe to approve the appointments for a one year term ending June 2015. Roll call vote: 7 ayes, 1 abstain (Johnson). Motion carried.

The Mayor offered the names, as recommended by the Greater Fremont Development Council, of Cecilia Harry and Steve Pribnow to the Local Option Review Team. Moved by Council Member Navarrette, seconded by Council Member Bixby to approve the appointment for a one year term ending June 2015 for Cecilia Harry and the appointment for a two year term ending June 2016 for Steve Pribnow. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the second reading, by title only, of an Ordinance annexing property located SW corner of NW ¼ 19-17-9, Fremont Nebraska. The third reading will be at the next regular Council meeting.

Moved by Council Member Bixby, seconded by Council Member Johnson to approve the Omaha Public Power District agreement for siting, design, and construction of transmission line and substation facilities. Agreement comes with the Board of Public Works approval. Roll call vote: 8 ayes. Motion carried.

The Mayor offered the name of David Shelso to the Board of Public Works. Moved by Council Member Eairleywine, seconded by Council Member Hoppe to approve the reappointment for a five year term ending June 2019. Roll call vote: 8 ayes. Motion carried.

The Mayor offered the name of Paul Gifford as chairman of the Board of Public Works. Moved by Council Member Kuhns, seconded by Council Member Stange to approve the appointment. Roll call vote: 8 ayes. Motion carried.

Moved by Council Member Bixby, seconded by Council Member Kuhns to introduce an Ordinance adopting the Economic Development Plan approved by voters on May 13, 2014. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance adopting the Economic Development Plan approved by voters on May 13, 2014. Moved by Council Member Bixby, seconded by Council Member Johnson to suspend the rules and place on final reading. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the final reading, by title only. Roll call vote: 8 ayes. Ordinance No. 5307 passed.

Moved by Council Member Stange, seconded by Council Member Navarrette to introduce an Ordinance amending the Fremont Municipal Code, Chapter 12, Economic Development. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance amending the Fremont Municipal Code, Chapter 12, Economic Development. Moved by Council Member Eairleywine, seconded by Council Member Bixby to suspend the rules and place on final reading. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the final reading, by title only. Roll call vote: 8 ayes. Ordinance No. 5308 passed.

Moved by Council Member Kuhns, seconded by Council Member Bixby to introduce an Ordinance amending the Fremont Municipal Code, Chapter 3, Departments. Roll call vote: 8 ayes. Motion carried.

The City Clerk gave the first reading, by title only, of an Ordinance amending the Fremont Municipal Code, Chapter 3, Departments. The second reading will be at the next regular Council meeting.

Moved by Council Member Navarrette, seconded by Council Member Bixby to approve Resolution No. 2014-107 adopting closure of railroad crossing at First Street between Luther and Johnson Road. Roll call vote: 8 ayes. Motion carried.

The Mayor announced the next meeting would be June 24, 2014.

Moved by Council Member Eairleywine, seconded by Council Member Anderson to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 7:49 p.m.

I, Kimberly Volk, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held. Kimberly Volk, MMC, City Clerk

## STAFF REPORT

**TO:** Honorable Mayor and City Council

**FROM:** Jody Sanders, Director of Finance

**DATE:** June 19, 2014

**SUBJECT:** Claims

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**Recommendation:** Move to approve June 11 through 24, 2014 claims and authorize checks to be drawn on the proper accounts.

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**Background:** Council will review claims via email June 19, 2014.

**Fiscal Impact:** Claims total \$775,506.09

**#8**

Prepared 6/17/14, 12:35:41  
Pay Date 6/19/14  
Primary FIRST NATIONAL BANK

CITY of FREMONT  
Direct Deposit Register

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Program PR530L

Account Number	Employee Name	Social Security	Deposit Amount
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Final Total	232,525.26	Count	318
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PREPARED 06/18/2014, 9:44:10  
 PROGRAM: GM339L  
 City of Fremont  
 General Fund

EXPENDITURE APPROVAL LIST  
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VEND NO INVOICE NO	SEQ#	VENDOR NAME VOUCHER P.O. NO NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006318 20140619	00	ACSI PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	236.79	
						VENDOR TOTAL *	236.79	
0000584 20140619	00	CEI PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	EFT:	15,730.78
						VENDOR TOTAL *	.00	15,730.78
0004234 20140619	00	DEPARTMENT OF UTILITIES C S PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	EFT:	1,441.29
						VENDOR TOTAL *	.00	1,441.29
0005193 20140619	00	DEPARTMENT OF UTILITIES PAYROLL PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	EFT:	49,431.37
						VENDOR TOTAL *	.00	49,431.37
0003226 20140605 20140619	00	FRATERNAL ORDER OF POLICE #37 PR0605 PR0619	00	06/19/2014 06/19/2014	001-0000-201.00-00 001-0000-201.00-00	PAYROLL SUMMARY PAYROLL SUMMARY	960.00 960.00	
						VENDOR TOTAL *	1,920.00	
0004629 20140619	00	INTERNAL REVENUE SERVICE **EFT** PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	75,963.18	
						VENDOR TOTAL *	75,963.18	
0003074 20140619	00	JACKSON SERVICES INC PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	194.84	
						VENDOR TOTAL *	194.84	
0002006 273392961	00 0514	NEBR DEPT OF REVENUE PI5527 029162	00	06/19/2014	001-2026-451.20-99	BLANKET PURCHASE ORDER	84.53	
						VENDOR TOTAL *	84.53	
0003977 13392961	00 0514	NEBR DEPT OF REVENUE PI5528 029163	00	06/19/2014	001-2027-452.20-99	BLANKET PURCHASE ORDER	26.75	
						VENDOR TOTAL *	26.75	
0003205 20140605 20140619	00	NEBR PUBLIC EMPLOYEES LOCAL 251 PR0605 PR0619	00	06/19/2014 06/19/2014	001-0000-201.00-00 001-0000-201.00-00	PAYROLL SUMMARY PAYROLL SUMMARY	420.00 420.00	
						VENDOR TOTAL *	840.00	
0005513 20140619	00	UNITED STATES TREASURY - PR PR0619	00	06/19/2014	001-0000-201.00-00	PAYROLL SUMMARY	50.00	
						VENDOR TOTAL *	50.00	
0001354 20140605 20140619	00	UNITED WAY - FREMONT AREA PR0605 PR0619	00	06/19/2014 06/19/2014	001-0000-201.00-00 001-0000-201.00-00	PAYROLL SUMMARY PAYROLL SUMMARY	23.47 23.47	

PREPARED 06/18/2014, 9:44:10  
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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE		VOUCHER P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO		NO NO						AMOUNT
0001354	00	UNITED WAY - FREMONT AREA						
VENDOR TOTAL *							46.94	
00 General Fund							BANK TOTAL *	79,363.03
								66,603.44

PREPARED 06/18/2014, 9:44:10  
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Employee Benefits

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005708	00	REGIONAL CARE INC						
06/09/14	MANUAL000588		01	06/09/2014	060-0660-441.70-01	06/09/14 AUTO CLAIMS	CHECK #: 100520	2,289.07
06/17/14	MANUAL000595		01	06/17/2014	060-0660-441.70-01	06/17/14 AUTO CLAIMS	CHECK #: 100523	3,496.60
VENDOR TOTAL *							.00	5,785.67
0003405	00	WORKERS' COMPENSATION FUND						
06/05/14	MANUAL000586		01	06/05/2014	061-0662-441.70-01	06/05/14 WC	CHECK #: 100519	35.19
06/05/14	MANUAL000587		01	06/05/2014	061-0662-441.70-07	06/05/14 WC	CHECK #: 100519	110.50
06/10/14	MANUAL000589		01	06/10/2014	061-0662-441.70-01	06/10/14 WC	CHECK #: 100521	545.94
06/10/14	MANUAL000590		01	06/10/2014	061-0662-441.70-04	06/10/14 WC	CHECK #: 100521	115.13
06/10/14	MANUAL000591		01	06/10/2014	061-0662-441.70-06	06/10/14 WC	CHECK #: 100521	405.74
06/10/14	MANUAL000592		01	06/10/2014	061-0662-441.70-07	06/10/14 WC	CHECK #: 100521	17.92
06/12/14	MANUAL000593		01	06/12/2014	061-0662-441.70-01	06/12/14 WC	CHECK #: 100522	1,605.40
06/12/14	MANUAL000594		01	06/12/2014	061-0662-441.70-07	06/12/14 WC	CHECK #: 100522	834.40
06/17/14	MANUAL000596		01	06/17/2014	061-0662-441.70-01	06/17/14 WC	CHECK #: 100524	1,491.36
06/17/14	MANUAL000597		01	06/17/2014	061-0662-441.70-04	06/17/14 WC	CHECK #: 100524	679.37
06/17/14	MANUAL000598		01	06/17/2014	061-0662-441.70-06	06/17/14 WC	CHECK #: 100524	405.74
06/17/14	MANUAL000599		01	06/17/2014	061-0662-441.70-07	06/17/14 WC	CHECK #: 100524	49.05
VENDOR TOTAL *							.00	6,295.74
01 Employee Benefits			BANK TOTAL *				.00	12,081.41
HAND ISSUED TOTAL ***								12,081.41
EFT/EPAY TOTAL ***								66,603.44
TOTAL EXPENDITURES ****							79,363.03	78,684.85
GRAND TOTAL *****								158,047.88



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VEND NO INVOICE NO	SEQ#	VENDOR NAME VOUCHER P.O. NO NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0006374	00	ACCO UNLIMITED CORP						
0052949-IN		PI5819 029818	00	06/25/2014	001-2028-451.30-32	GENERAL	313.30	
0143160-IN		PI5818 029817	00	06/25/2014	001-2030-451.30-32	GENERAL	818.72	
VENDOR TOTAL *							1,132.02	
0000959	00	ACE HARDWARE						
79952/3		PI5747 028760	00	06/25/2014	001-1013-432.30-79	BLANKET PURCHASE ORDER	3.00	
79804/3		PI5741 028760	00	06/25/2014	001-1206-422.30-79	BLANKET PURCHASE ORDER	11.21	
79870/3		PI5744 028760	00	06/25/2014	001-1206-422.30-79	BLANKET PURCHASE ORDER	2.99	
79523/3		PI5529 028760	00	06/25/2014	001-2027-452.30-49	BLANKET PURCHASE ORDER	32.56	
79918/3		PI5530 028760	00	06/25/2014	001-2027-452.20-60	BLANKET PURCHASE ORDER	67.50	
79918/3		PI5531 028760	00	06/25/2014	001-2027-452.20-99	BLANKET PURCHASE ORDER	10.00	
79918/3		PI5532 028760	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	61.98	
79794/3		PI5738 028760	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	98.91	
79794/3		PI5739 028760	00	06/25/2014	001-2027-452.30-49	BLANKET PURCHASE ORDER	4.66	
79808/3		PI5742 028760	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	19.99	
79808/3		PI5743 028760	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	46.15	
79940/3		PI5746 028760	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	36.99	
79966/3		PI5884 028760	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	14.61	
79997/3		PI5885 028760	00	06/25/2014	001-2027-452.30-58	BLANKET PURCHASE ORDER	80.46	
79778/3		PI5736 028760	00	06/25/2014	001-2028-451.30-33	BLANKET PURCHASE ORDER	19.99	
79778/3		PI5737 028760	00	06/25/2014	001-2028-451.30-49	BLANKET PURCHASE ORDER	6.49	
80044/3		PI5886 028760	00	06/25/2014	001-2029-451.30-79	BLANKET PURCHASE ORDER	33.96	
80050/3		PI5887 028760	00	06/25/2014	001-2029-451.30-79	BLANKET PURCHASE ORDER	48.93	
79801/3		PI5740 028760	00	06/25/2014	001-2030-451.30-49	BLANKET PURCHASE ORDER	12.48	
79905/3		PI5745 028760	00	06/25/2014	001-2030-451.30-49	BLANKET PURCHASE ORDER	10.57	
79906/3		PI5661 028760	00	06/25/2014	001-2042-440.30-44	BLANKET PURCHASE ORDER	23.97	
79906/3		PI5662 028760	00	06/25/2014	001-2042-440.30-56	BLANKET PURCHASE ORDER	49.47	
79952/3		PI5748 028760	00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER	6.28	
VENDOR TOTAL *							703.15	
0000960	00	ADAMS OIL INC						
07188		PI5880 030093	00	06/25/2014	001-1206-422.30-44	FIELD PURCHASE ORDER	1,024.80	
07191		PI5882 030093	00	06/25/2014	001-2027-452.30-44	FIELD PURCHASE ORDER	710.10	
07190		PI5881 030093	00	06/25/2014	001-2042-440.30-44	FIELD PURCHASE ORDER	1,541.18	
07192		PI5883 030093	00	06/25/2014	012-2025-431.30-44	FIELD PURCHASE ORDER	1,420.20	
VENDOR TOTAL *							4,696.28	
0006353	00	ADVANCE SERVICES INC						
296748		PI5724 029633	00	06/25/2014	001-1305-430.20-99	BLANKET PURCHASE ORDER	449.50	
297326		PI5815 029633	00	06/25/2014	001-1305-430.20-99	BLANKET PURCHASE ORDER	449.50	
VENDOR TOTAL *							899.00	
0001773	00	ALL-TEX SECURITY INC						
461		PI5711 028886	00	06/25/2014	001-2031-455.20-99	BLANKET PURCHASE ORDER	75.00	
464		PI5712 028886	00	06/25/2014	001-2031-455.20-99	BLANKET PURCHASE ORDER	75.00	
VENDOR TOTAL *							150.00	
0003845	00	AMERICAN RED CROSS HEARTLAND						



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INVOICE		VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO		NO	NO						AMOUNT
0004311	00	BAUER BUILT INC							
880031112		PI5756	028764	00	06/25/2014	001-1305-430.20-60	BLANKET PURCHASE ORDER	12.00	
880031112		PI5757	028764	00	06/25/2014	001-1305-430.30-56	BLANKET PURCHASE ORDER	4.50	
880031044		PI5752	028764	00	06/25/2014	012-2025-431.20-60	BLANKET PURCHASE ORDER	13.00	
880031044		PI5753	028764	00	06/25/2014	012-2025-431.30-63	BLANKET PURCHASE ORDER	122.03	
880031094		PI5754	028764	00	06/25/2014	012-2025-431.20-60	BLANKET PURCHASE ORDER	8.50	
880031094		PI5755	028764	00	06/25/2014	012-2025-431.30-63	BLANKET PURCHASE ORDER	7.50	
VENDOR TOTAL *								167.53	
9999999	00	BAXA, SUMMER							
89474 BAXA		000606		00	06/25/2014	001-2028-347.00-00	SUMMER BAXA/RONIN POOL	100.00	
VENDOR TOTAL *								100.00	
9999999	00	BEESON, CATIE							
90183 BEESON		000607		00	06/25/2014	001-0000-202.04-00	CATIE BEESON/CF DEPOSIT	200.00	
VENDOR TOTAL *								200.00	
0005162	00	BLT PLUMBING HEATING & A/C INC							
8888		PI5635	029155	00	06/25/2014	001-2026-451.20-60	BLANKET PURCHASE ORDER	100.00	
8888		PI5636	029155	00	06/25/2014	001-2026-451.30-49	BLANKET PURCHASE ORDER	202.12	
8972		PI5719	029155	00	06/25/2014	001-2026-451.20-60	BLANKET PURCHASE ORDER	150.00	
8972		PI5720	029155	00	06/25/2014	001-2026-451.30-49	BLANKET PURCHASE ORDER	241.27	
8882		PI5632	029155	00	06/25/2014	001-2027-452.20-60	BLANKET PURCHASE ORDER	50.00	
8964		PI5717	029155	00	06/25/2014	001-2029-451.20-60	BLANKET PURCHASE ORDER	150.00	
8964		PI5718	029155	00	06/25/2014	001-2029-451.30-49	BLANKET PURCHASE ORDER	224.95	
8887		PI5633	029155	00	06/25/2014	001-2030-451.20-60	BLANKET PURCHASE ORDER	125.00	
8887		PI5634	029155	00	06/25/2014	001-2030-451.30-49	BLANKET PURCHASE ORDER	283.60	
VENDOR TOTAL *								1,526.94	
0002719	00	BLUETARP FINANCIAL/NORTHERN TOOL							
30770647		PI5735	030056	00	06/25/2014	012-2025-431.30-33	FIELD PURCHASE ORDER	76.95	
4652037148		PI5976	030117	00	06/25/2014	012-2025-431.40-20	FIELD PURCHASE ORDER	314.98	
VENDOR TOTAL *								391.93	
0004035	00	BOMGAARS SUPPLY INC							
1663904		PI5890	028766	00	06/25/2014	001-1206-422.30-44	BLANKET PURCHASE ORDER	44.99	
1663896		PI5889	028766	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	94.99	
1663948		PI5893	028766	00	06/25/2014	001-2027-452.30-58	BLANKET PURCHASE ORDER	96.31	
1664324		PI5894	028766	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	46.98	
1664324		PI5895	028766	00	06/25/2014	001-2027-452.30-49	BLANKET PURCHASE ORDER	44.70	
1659338		PI5758	028766	00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER	181.62	
1661015		PI5759	028766	00	06/25/2014	012-2025-431.30-63	BLANKET PURCHASE ORDER	60.81	
1661298		PI5760	028766	00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER	35.58	
1663559		PI5888	028766	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	80.96	
1663904		PI5891	028766	00	06/25/2014	012-2025-431.30-32	BLANKET PURCHASE ORDER	65.98	
1663904		PI5892	028766	00	06/25/2014	012-2025-431.30-44	BLANKET PURCHASE ORDER	45.00	
VENDOR TOTAL *								797.92	
9999999	00	BOOZE, TY							

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
9999999	00	BOOZE, TY						
89268	BOOZE	000608	00	06/25/2014	001-0000-202.04-00	TY BOOZE/CF MTG ROOM DEP	50.00	
						VENDOR TOTAL *	50.00	
9999999	00	BREEDEN, RENEE						
90182	BREEDEN	000609	00	06/25/2014	001-0000-202.04-00	RENEE BREEDEN/CR MTG RM	50.00	
						VENDOR TOTAL *	50.00	
0003427	00	BRODART CO						
B3481366	PI5685	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	67.17	
B3485453	PI5686	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	157.50	
B3489328	PI5687	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	123.01	
B3494495	PI5688	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	198.24	
B3498251	PI5689	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	78.85	
B3499357	PI5690	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	241.86	
B3505281	PI5691	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	157.73	
B3505289	PI5692	028835	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	125.78	
						VENDOR TOTAL *	1,150.14	
9999999	00	CANALES, OLIVIA						
91636	CANALES	000610	00	06/25/2014	001-0000-202.04-00	OLIVIA CANALES/CF MTG RM	50.00	
						VENDOR TOTAL *	50.00	
0006398	00	CAREY, ELIZABETH ANN						
050414	PI5956	030080	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	21.15	
061014	PI5957	030080	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	38.20	
						VENDOR TOTAL *	59.35	
0004208	00	CDW GOVERNMENT INC						
MJ12412	PI5944	029951	00	06/25/2014	001-1209-421.30-31	BLANKET PURCHASE ORDER	361.87	
MK01112	PI5945	029951	00	06/25/2014	001-1209-421.30-31	BLANKET PURCHASE ORDER	397.71	
MM06076	PI5983	029883	00	06/25/2014	001-2030-451.20-99	GENERAL	20.00	
MM06076	PI5984	029883	00	06/25/2014	001-2030-451.30-56	GENERAL	1,128.68	
						VENDOR TOTAL *	1,112.84	
0005030	00	CENTER POINT LARGE PRINT						
1192361	PI5696	028838	00	06/25/2014	001-2031-455.30-51	BLANKET PURCHASE ORDER	426.60	
						VENDOR TOTAL *	426.60	
0002675	00	CENTURYLINK (QWEST)						
4027538697	0614PI5922	028870	00	06/25/2014	001-1011-419.20-12	BLANKET PURCHASE ORDER	81.94	
402D250330	0614PI5921	028870	00	06/25/2014	001-1015-415.20-12	BLANKET PURCHASE ORDER	80.76	
402D254115	0614PI5979	028870	00	06/25/2014	001-1206-422.20-12	BLANKET PURCHASE ORDER	85.56	
4027530443	0614PI5999	028870	00	06/25/2014	034-0790-421.20-12	BLANKET PURCHASE ORDER	67.50	
						VENDOR TOTAL *	315.76	
0002177	00	CERTIFIED LABORATORIES (TEXAS)						
1534051	PI5954	030062	00	06/25/2014	012-2025-431.30-44	FIELD PURCHASE ORDER	478.24	
						VENDOR TOTAL *	478.24	

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0001024	00	CHRISTENSEN LUMBER INC								
CLC00225785-001	PI5896	028768	00	06/25/2014		001-2027-452.30-49	BLANKET PURCHASE ORDER		57.98	
CLC00227744-001	PI5761	028768	00	06/25/2014		001-2028-451.30-49	BLANKET PURCHASE ORDER		82.89	
VENDOR TOTAL *									140.87	
0005201	00	COCA-COLA REFRESHMENTS USA INC								
2035229103	PI5568	028849	00	06/25/2014		001-2029-451.30-41	BLANKET PURCHASE ORDER		253.62	
2035229502	PI5792	028849	00	06/25/2014		001-2029-451.30-41	BLANKET PURCHASE ORDER		574.63	
2035229805	PI5919	028849	00	06/25/2014		001-2029-451.30-41	BLANKET PURCHASE ORDER		305.86	
2035229216	PI5569	028849	00	06/25/2014		001-2030-451.30-41	BLANKET PURCHASE ORDER		516.72	
VENDOR TOTAL *									1,650.83	
0004244	00	COLE PAPERS INC								
8983454	PI5990	030050	00	06/25/2014		012-2025-431.30-79	FIELD PURCHASE ORDER		629.72	
VENDOR TOTAL *									629.72	
0005994	00	CONSOLIDATED MANAGEMENT CO								
205468	PI5816	029773	00	06/25/2014		001-1209-421.20-13	GENERAL		167.00	
205499	PI5817	029773	00	06/25/2014		001-1209-421.20-13	GENERAL		205.00	
205529	PI5940	029773	00	06/25/2014		001-1209-421.20-13	GENERAL		186.00	
VENDOR TOTAL *									558.00	
0001671	00	COSGRAVE COMPANY								
6031039-IN	PI5659	030065	00	06/25/2014		024-0772-490.30-79	FIELD PURCHASE ORDER		488.70	
VENDOR TOTAL *									488.70	
0001643	00	CULLIGAN OF OMAHA								
877326	PI5787	028811	00	06/25/2014		001-1209-421.20-99	BLANKET PURCHASE ORDER		35.50	
877478	PI5788	028811	00	06/25/2014		001-1209-421.20-99	BLANKET PURCHASE ORDER		35.50	
877799	PI5789	028811	00	06/25/2014		001-1209-421.20-99	BLANKET PURCHASE ORDER		18.00	
VENDOR TOTAL *									89.00	
0005074	00	D&D COMMUNICATIONS								
WT41241	PI5975	030113	00	06/25/2014		001-1209-421.20-60	GENERAL		424.00	
VENDOR TOTAL *									424.00	
9999999	00	DAVIS, DEBRA								
90181 DAVIS	000611		00	06/25/2014		001-0000-202.04-00	DEBRA DAVIS/COMM ROOM DEP		50.00	
VENDOR TOTAL *									50.00	
0005282	00	DECATUR ELECTRONICS INC								
IN00009733	PI5982	029778	00	06/25/2014		001-1209-421.40-90	GENERAL		1,850.00	
VENDOR TOTAL *									1,850.00	
0001063	00	DIAMOND VOGEL PAINT CENTER								
522130773	PI5728	029963	00	06/25/2014		012-2025-431.30-56	FIELD PURCHASE ORDER		230.25	
VENDOR TOTAL *									230.25	
0002897	00	DIERS INC								

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110855P		PI5535	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		199.08		
110907P		PI5536	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		113.72		
110872P		PI5762	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		75.49		
110885P		PI5763	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		184.05		
323936		PI5878	030068	00	06/25/2014	001-1209-421.20-60	FIELD PURCHASE ORDER		200.00		
323936		PI5879	030068	00	06/25/2014	001-1209-421.30-63	FIELD PURCHASE ORDER		492.86		
110936P		PI5897	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		115.36		
110937P		PI5898	028772	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER		41.08		
VENDOR TOTAL *									1,421.64		
0006293	00	DILLON CHEVROLET BUICK INC/WAHO									
51F008	060314	PI5814	029501	00	06/25/2014	012-2025-431.40-20	FIELD PURCHASE ORDER		47,858.00		
VENDOR TOTAL *									47,858.00		
0003183	00	DISCOUNT SCHOOL SUPPLY									
D19331490101		PI5645	030017	00	06/25/2014	001-2029-451.20-99	GENERAL		7.98		
D19331490101		PI5646	030017	00	06/25/2014	001-2029-451.30-79	GENERAL		23.99		
VENDOR TOTAL *									31.97		
0003359	00	DODGE COUNTY HUMANE SOCIETY									
JUNE 2014		PI5813	029279	00	06/25/2014	001-1410-421.20-99	BLANKET PURCHASE ORDER		4,514.82		
VENDOR TOTAL *									4,514.82		
0001070	00	DODGE COUNTY REGISTER OF DEEDS									
201402433		PI5923	028871	00	06/25/2014	001-1003-415.20-33	BLANKET PURCHASE ORDER		22.00		
201401839		PI5579	028871	00	06/25/2014	032-0787-490.20-33	BLANKET PURCHASE ORDER		10.00		
VENDOR TOTAL *									32.00		
0003802	00	DODGE COUNTY SHERIFF'S OFFICE									
0614		PI6001	029164	00	06/25/2014	034-0790-421.20-32	GENERAL		2,400.21		
0614		PI6002	029164	00	06/25/2014	034-0790-421.20-32	BLANKET PURCHASE ORDER		703.24		
VENDOR TOTAL *									3,103.45		
0006357	00	DREWS, DOUGLAS									
060814		PI5934	029679	00	06/25/2014	001-2027-452.20-99	GENERAL		449.66		
061514		PI5935	029679	00	06/25/2014	001-2027-452.20-99	GENERAL		445.00		
VENDOR TOTAL *									894.66		
0003087	00	EAKES OFFICE PLUS INC									
6418602-0		PI5871	030041	00	06/25/2014	012-2025-431.30-31	FIELD PURCHASE ORDER		161.84		
VENDOR TOTAL *									161.84		
0003278	00	EASTERN NEBRASKA FORENSIC LAB INC									
MAY 2014		PI5564	028818	00	06/25/2014	034-0790-421.20-99	BLANKET PURCHASE ORDER		35.00		
VENDOR TOTAL *									35.00		
0006389	00	ELITE K-9 INC									
77209A		PI5861	030015	00	06/25/2014	001-1209-421.20-11	GENERAL		16.96		

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77209A		PI5862	030015	00	06/25/2014	001-1209-421.30-56	GENERAL	254.95	
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9999999	00	ELLIS, ERICA							
91665 ELLIS		000612		00	06/25/2014	001-2029-347.00-00	BO ELLIS/PLAYGROUND RFND	31.25	
VENDOR TOTAL *								31.25	
0001091	00	EMANUEL PRINTING INC							
06360		PI5731	030023	00	06/25/2014	001-2030-451.30-35	GENERAL	165.50	
VENDOR TOTAL *								165.50	
0006264	00	EMS BILLING SERVICES INC							
20141649		PI5628	029051	00	06/25/2014	001-1206-422.20-99	GENERAL	4,318.96	
VENDOR TOTAL *								4,318.96	
0005749	00	FARNER-BOCKEN COMPANY							
3080114		PI5570	028850	00	06/25/2014	001-2029-451.30-41	BLANKET PURCHASE ORDER	874.30	
3119586		PI5920	028850	00	06/25/2014	001-2029-451.30-41	BLANKET PURCHASE ORDER	1,257.54	
3080121		PI5706	028850	00	06/25/2014	001-2030-451.30-41	BLANKET PURCHASE ORDER	513.24	
3099054		PI5708	028850	00	06/25/2014	001-2030-451.30-41	BLANKET PURCHASE ORDER	9.30	
3099053		PI5978	028850	00	06/25/2014	001-2030-451.30-41	BLANKET PURCHASE ORDER	1,138.44	
VENDOR TOTAL *								3,792.82	
0002050	00	FASTENAL COMPANY							
NEFRE110713		PI5537	028775	00	06/25/2014	001-1206-422.30-79	BLANKET PURCHASE ORDER	10.42	
NEFRE110779		PI5538	028775	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	2.83	
VENDOR TOTAL *								13.25	
0003909	00	FIRST NATIONAL BANK OMAHA							
6641 052914		PI5994	028813	00	06/25/2014	034-0790-421.30-44	BLANKET PURCHASE ORDER	40.00	
4189 061214		PI5998	028813	00	06/25/2014	034-0790-421.30-44	BLANKET PURCHASE ORDER	46.73	
VENDOR TOTAL *								86.73	
0001102	00	FOOD-4-LESS							
027100		PI5697	028840	00	06/25/2014	001-2031-455.30-41	BLANKET PURCHASE ORDER	14.28	
036740		PI5698	028840	00	06/25/2014	001-2031-455.30-41	BLANKET PURCHASE ORDER	2.00	
109998		PI5699	028840	00	06/25/2014	001-2031-455.30-41	BLANKET PURCHASE ORDER	18.16	
VENDOR TOTAL *								34.44	
0001107	00	FREMONT AREA MEDICAL CENTER							
233517 053114		PI5581	028872	00	06/25/2014	001-1206-422.30-33	BLANKET PURCHASE ORDER	454.14	
265551 051914		PI5582	028872	00	06/25/2014	001-1206-422.20-35	BLANKET PURCHASE ORDER	30.00	
265551 051914		PI5583	028872	00	06/25/2014	001-1209-421.20-35	BLANKET PURCHASE ORDER	30.00	
265551 052014		PI5586	028872	00	06/25/2014	001-1305-430.20-35	BLANKET PURCHASE ORDER	45.00	
265551 052014		PI5587	028872	00	06/25/2014	001-2026-451.20-35	BLANKET PURCHASE ORDER	45.00	
265551 052014		PI5588	028872	00	06/25/2014	001-2026-451.20-35	BLANKET PURCHASE ORDER	45.00	
265551 052014		PI5589	028872	00	06/25/2014	001-2027-452.20-35	BLANKET PURCHASE ORDER	180.00	
265551 051914		PI5584	028872	00	06/25/2014	001-2030-451.20-35	BLANKET PURCHASE ORDER	150.00	

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265551	052014	PI5590	028872	00	06/25/2014	001-2030-451.20-35	BLANKET PURCHASE ORDER	315.00	
265551	052014	PI5591	028872	00	06/25/2014	001-2031-455.20-35	BLANKET PURCHASE ORDER	45.00	
265551	052014	PI5592	028872	00	06/25/2014	012-2025-431.20-35	BLANKET PURCHASE ORDER	90.00	
051514		PI5580	028872	00	06/25/2014	025-2074-433.20-35	BLANKET PURCHASE ORDER	30.00	
VENDOR TOTAL *								1,459.14	
0001112	00	FREMONT ELECTRIC INC							
33203		PI5714	029154	00	06/25/2014	001-2026-451.20-60	BLANKET PURCHASE ORDER	175.00	
33203		PI5715	029154	00	06/25/2014	001-2026-451.30-48	BLANKET PURCHASE ORDER	314.79	
33231		PI5631	029154	00	06/25/2014	001-2030-451.20-60	BLANKET PURCHASE ORDER	50.00	
33207		PI5716	029154	00	06/25/2014	001-2030-451.20-60	BLANKET PURCHASE ORDER	50.00	
VENDOR TOTAL *								589.79	
0001124	00	FREMONT PRINTING CO							
13863		PI5860	029925	00	06/25/2014	001-1209-421.30-35	GENERAL	2,014.07	
13862		PI5875	030059	00	06/25/2014	001-2026-451.30-35	GENERAL	37.75	
VENDOR TOTAL *								2,051.82	
0001131	00	FREMONT TRIBUNE							
74180		PI5596	028873	00	06/25/2014	001-1003-415.20-33	BLANKET PURCHASE ORDER	1.64	
74172		PI5595	028873	00	06/25/2014	001-1206-422.20-33	BLANKET PURCHASE ORDER	5.56	
74180		PI5597	028873	00	06/25/2014	001-2021-412.20-33	BLANKET PURCHASE ORDER	3.28	
73939		PI5996	028873	00	06/25/2014	001-2021-412.20-33	BLANKET PURCHASE ORDER	11.13	
73894		PI5995	028873	00	06/25/2014	001-2024-416.20-33	BLANKET PURCHASE ORDER	9.49	
73941		PI5997	028873	00	06/25/2014	001-2024-416.20-33	BLANKET PURCHASE ORDER	8.84	
60002353	053114	PI5794	028873	00	06/25/2014	001-2026-451.20-33	BLANKET PURCHASE ORDER	240.90	
74180		PI5598	028873	00	06/25/2014	001-2027-452.20-33	BLANKET PURCHASE ORDER	1.62	
74180		PI5599	028873	00	06/25/2014	001-2031-455.20-33	BLANKET PURCHASE ORDER	1.64	
74171		PI5594	028873	00	06/25/2014	029-2034-466.20-33	BLANKET PURCHASE ORDER	4.25	
74180		PI5600	028873	00	06/25/2014	029-2034-466.20-33	BLANKET PURCHASE ORDER	1.64	
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0006182	00	FREMONT TRUCK & AUTO PARTS INC							
145798		PI5548	028778	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER	13.00	
146045		PI5766	028778	00	06/25/2014	001-1209-421.30-63	BLANKET PURCHASE ORDER	59.76	
145095		PI5539	028778	00	06/25/2014	001-2027-452.30-63	BLANKET PURCHASE ORDER	1.99	
145168		PI5541	028778	00	06/25/2014	001-2027-452.30-63	BLANKET PURCHASE ORDER	67.99	
145298		PI5542	028778	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	10.28	
145432		PI5543	028778	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	62.15	
145814		PI5549	028778	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	10.32	
146081		PI5768	028778	00	06/25/2014	001-2027-452.30-79	BLANKET PURCHASE ORDER	4.99	
146177		PI5899	028778	00	06/25/2014	001-2027-452.30-63	BLANKET PURCHASE ORDER	10.99	
146192		PI5900	028778	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	103.64	
145155		PI5540	028778	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	19.14	
145432		PI5544	028778	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	38.94	
145540		PI5545	028778	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	66.83	
145664		PI5546	028778	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	58.40	
145779		PI5547	028778	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	78.03	



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0006182	00	FREMONT TRUCK & AUTO PARTS INC									
145979		PI5550	028778	00	06/25/2014	012-2025-431.30-48	BLANKET	PURCHASE	ORDER	12.80	
145986		PI5551	028778	00	06/25/2014	012-2025-431.30-63	BLANKET	PURCHASE	ORDER	26.22	
145988		PI5764	028778	00	06/25/2014	012-2025-431.30-63	BLANKET	PURCHASE	ORDER	1.34	
146042		PI5765	028778	00	06/25/2014	012-2025-431.30-56	BLANKET	PURCHASE	ORDER	24.76	
146045		PI5767	028778	00	06/25/2014	012-2025-431.30-63	BLANKET	PURCHASE	ORDER	13.81	
146253		PI5901	028778	00	06/25/2014	012-2025-431.30-63	BLANKET	PURCHASE	ORDER	136.54	
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0001132	00	FREMONT WINNELSON CO									
268354-01		PI5552	028779	00	06/25/2014	001-2027-452.30-56	BLANKET	PURCHASE	ORDER	43.94	
268354-02		PI5553	028779	00	06/25/2014	001-2027-452.30-56	BLANKET	PURCHASE	ORDER	123.15	
268407-01		PI5554	028779	00	06/25/2014	001-2027-452.30-56	BLANKET	PURCHASE	ORDER	6.80	
268673-01		PI5555	028779	00	06/25/2014	001-2027-452.30-56	BLANKET	PURCHASE	ORDER	41.65	
VENDOR TOTAL *										215.54	
0003829	00	FRICKENSTEIN PUMPING & PORTABLE LLC									
7110		PI5571	028851	00	06/25/2014	001-2026-451.20-70	BLANKET	PURCHASE	ORDER	160.00	
7110		PI5572	028851	00	06/25/2014	001-2026-451.20-99	BLANKET	PURCHASE	ORDER	80.00	
7110		PI5573	028851	00	06/25/2014	001-2027-452.20-70	BLANKET	PURCHASE	ORDER	400.00	
7110		PI5574	028851	00	06/25/2014	001-2029-451.20-70	BLANKET	PURCHASE	ORDER	320.00	
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0006263	00	GALE/CENGAGE LEARNING INC									
52146949		PI5693	028837	00	06/25/2014	001-2031-455.30-51	BLANKET	PURCHASE	ORDER	47.23	
52154270		PI5694	028837	00	06/25/2014	001-2031-455.30-51	BLANKET	PURCHASE	ORDER	149.92	
52155888		PI5695	028837	00	06/25/2014	001-2031-455.30-51	BLANKET	PURCHASE	ORDER	19.46	
VENDOR TOTAL *										216.61	
0001139	00	GERHOLD CONCRETE CO INC									
50343107		PI5651	030039	00	06/25/2014	001-2027-452.40-13	GENERAL			156.75	
50343107		PI5652	030039	00	06/25/2014	001-2027-452.40-13	GENERAL			156.75	
50343348		PI5869	030039	00	06/25/2014	001-2027-452.40-13	GENERAL			222.75	
50343348		PI5870	030039	00	06/25/2014	001-2027-452.40-13	GENERAL			222.75	
50343792		PI5769	028780	00	06/25/2014	012-2025-431.30-69	BLANKET	PURCHASE	ORDER	132.00	
VENDOR TOTAL *										891.00	
0001742	00	GRAINGER									
9458207793		PI5876	030060	00	06/25/2014	001-2027-452.30-52	GENERAL			89.85	
VENDOR TOTAL *										89.85	
0003419	00	GREATER FREMONT DEVELOPMENT COUNCIL									
4564		PI5722	029293	00	06/25/2014	001-1015-415.30-99	BLANKET	PURCHASE	ORDER	2,500.00	
VENDOR TOTAL *										2,500.00	
0004363	00	GUILDCRAFT INC									
24053792		PI5644	030014	00	06/25/2014	001-2031-455.30-79	GENERAL			345.04	
24053792-1		PI5988	030014	00	06/25/2014	001-2031-455.30-79	GENERAL			119.02	
VENDOR TOTAL *										464.06	

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INVOICE		VOUCHER P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
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0006396	00	HARMAN, MICHAEL ALLEN						
061114		PI5958 030081 00 06/25/2014			001-2029-451.20-99	BLANKET PURCHASE ORDER	48.65	
						VENDOR TOTAL *	48.65	
0003500	00	HASTINGS ENTERTAINMENT #9730						
899		PI5700 028841 00 06/25/2014			001-2031-455.30-79	BLANKET PURCHASE ORDER	175.21	
						VENDOR TOTAL *	175.21	
0006392	00	HEINEMAN, ALLISON						
051014		PI5959 030082 00 06/25/2014			001-2029-451.20-99	BLANKET PURCHASE ORDER	28.20	
060914		PI5960 030082 00 06/25/2014			001-2029-451.20-99	BLANKET PURCHASE ORDER	26.60	
						VENDOR TOTAL *	54.80	
0006395	00	HEYWOOD, PHOENIX JAMES						
061114		PI5961 030084 00 06/25/2014			001-2029-451.20-99	BLANKET PURCHASE ORDER	39.40	
						VENDOR TOTAL *	39.40	
9999999	00	HOMETOWN FIREWORKS						
03/20/14	FRWKS	000613 00 06/25/2014			001-1003-320.00-00	FIREWORKS/HOMETOWN FRWKS	1,500.00	
						VENDOR TOTAL *	1,500.00	
0005202	00	HURST LAWN SERVICE LLC						
11498		PI5857 029848 00 06/25/2014			001-2031-455.20-99	GENERAL	280.00	
						VENDOR TOTAL *	280.00	
0001167	00	HY-VEE						
5603405937		PI5665 028781 00 06/25/2014			001-2029-451.30-41	BLANKET PURCHASE ORDER	10.26	
5603405937		PI5666 028781 00 06/25/2014			001-2029-451.30-79	BLANKET PURCHASE ORDER	2.79	
5603721117		PI5667 028781 00 06/25/2014			001-2029-451.30-41	BLANKET PURCHASE ORDER	43.33	
5603721117		PI5668 028781 00 06/25/2014			001-2029-451.30-79	BLANKET PURCHASE ORDER	5.76	
061614		PI5770 028781 00 06/25/2014			001-2031-455.30-41	BLANKET PURCHASE ORDER	332.08	
060314		PI5664 028781 00 06/25/2014			012-2025-431.30-32	BLANKET PURCHASE ORDER	47.53	
						VENDOR TOTAL *	441.75	
0000485	00	INTERSTATE BATTERY SYSTEM						
88108698		PI5621 029007 00 06/25/2014			001-2027-452.30-56	FIELD PURCHASE ORDER	200.90	
88108699		PI5620 029006 00 06/25/2014			012-2025-431.30-63	FIELD PURCHASE ORDER	219.90	
						VENDOR TOTAL *	420.80	
0004905	00	INTL ASSN FOR PROPERTY & EVIDENCE						
LI393939		PI5660 030075 00 06/25/2014			001-1209-421.20-13	GENERAL	325.00	
						VENDOR TOTAL *	325.00	
0003084	00	JACK'S UNIFORMS & EQUIPMENT						
46464A		PI5986 030005 00 06/25/2014			001-1209-421.20-11	GENERAL	11.00	
46464A		PI5987 030005 00 06/25/2014			001-1209-421.30-52	GENERAL	98.00	
						VENDOR TOTAL *	109.00	
0003074	00	JACKSON SERVICES INC						

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0003074	00	JACKSON SERVICES INC						
JUNE 2014		PI5924 028875 00	00	06/25/2014	001-1013-432.20-99	BLANKET PURCHASE ORDER	46.80	
JUNE 2014		PI5925 028875 00	00	06/25/2014	001-1206-422.20-91	BLANKET PURCHASE ORDER	53.00	
JUNE 2014		PI5926 028875 00	00	06/25/2014	001-1209-421.20-91	BLANKET PURCHASE ORDER	191.50	
JUNE 2014		PI5927 028875 00	00	06/25/2014	001-2027-452.20-99	BLANKET PURCHASE ORDER	152.10	
JUNE 2014		PI5928 028875 00	00	06/25/2014	001-2031-455.20-99	BLANKET PURCHASE ORDER	118.00	
JUNE 2014		PI5929 028875 00	00	06/25/2014	012-2025-431.20-99	BLANKET PURCHASE ORDER	366.18	
VENDOR TOTAL *							927.58	
0001176	00	JENSEN TIRE CO						
287445		PI5669 028783 00	00	06/25/2014	001-2027-452.20-60	BLANKET PURCHASE ORDER	24.00	
287445		PI5670 028783 00	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	77.97	
287577		PI5902 028783 00	00	06/25/2014	001-2027-452.20-60	BLANKET PURCHASE ORDER	20.00	
287577		PI5903 028783 00	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	3.73	
VENDOR TOTAL *							125.70	
9999999	00	JENSEN, JOY						
90203 JENSEN		000614	00	06/25/2014	001-0000-202.04-00	JOY JENSEN/CA DEPOSIT	100.00	
VENDOR TOTAL *							100.00	
0001426	00	JEO CONSULTING GROUP INC						
77997		PI5858 029852 00	00	06/25/2014	012-2032-431.45-20	GENERAL	1,425.00	
VENDOR TOTAL *							1,425.00	
0004708	00	KENCO LEASING COMPANY						
028841		PI5566 028821 00	00	06/25/2014	001-1209-421.20-70	BLANKET PURCHASE ORDER	75.00	
028857		PI5567 028821 00	00	06/25/2014	001-1209-421.20-70	BLANKET PURCHASE ORDER	300.00	
VENDOR TOTAL *							375.00	
0001195	00	KFMT RADIO						
MC-114056156		PI5577 028858 00	00	06/25/2014	001-2030-451.20-33	BLANKET PURCHASE ORDER	46.20	
VENDOR TOTAL *							46.20	
0001196	00	KHUB RADIO						
MC-114056156		PI5576 028857 00	00	06/25/2014	001-2030-451.20-33	BLANKET PURCHASE ORDER	46.20	
VENDOR TOTAL *							46.20	
9999999	00	KRAFT, SANDY						
89564 NELSON		000617	00	06/25/2014	001-2029-347.00-00	KILEE NELSON/SB CNCLD	55.00	
VENDOR TOTAL *							55.00	
0002902	00	KRIZ-DAVIS CO						
S100870256-001		PI5904 028784 00	00	06/25/2014	001-2027-452.30-48	BLANKET PURCHASE ORDER	96.25	
S100860137-001		PI5951 030022 00	00	06/25/2014	001-2029-451.30-48	GENERAL	935.52	
VENDOR TOTAL *							1,031.77	
0002654	00	LEAGUE ASSN OF RISK MANAGEMENT						
6756		000536	00	06/25/2014	001-0000-115.00-00	RECEIVED CHECK 12526	68.97	
6615		000537	00	06/25/2014	001-0000-115.00-00	RECEIVED CHECK 12526	89.49	

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INVOICE		VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
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0002654	00	LEAGUE ASSN OF RISK MANAGEMENT							
5963		000538		00	06/25/2014	001-0000-115.00-00	RECEIVED CHECK 12526	59.63	
6615		PI3356	029522	00	06/25/2014	001-1015-415.20-47	BLANKET PURCHASE ORDER	89.49-	
6721		PI3981	029522	00	06/25/2014	001-1015-415.20-47	BLANKET PURCHASE ORDER	59.63-	
6756		000604		00	06/25/2014	001-1015-415.20-47	CORRECTION FROM 04/29/14	68.97-	
6756		PI4608	029522	00	06/25/2014	012-2025-431.20-47	BLANKET PURCHASE ORDER	68.97-	
6821		PI5637	029522	00	06/25/2014	012-2025-431.20-47	BLANKET PURCHASE ORDER	228.42	
6756		000605		00	06/25/2014	012-2025-431.20-47	CORRECTION FROM 04/29/14	68.97	
VENDOR TOTAL *								228.42	
0004881	00	LINCOLN PHYSICAL THERAPY ASSOCIATES							
196 052214		PI5797	028877	00	06/25/2014	001-1206-422.20-35	BLANKET PURCHASE ORDER	31.00	
196 052214		PI5798	028877	00	06/25/2014	001-1209-421.20-35	BLANKET PURCHASE ORDER	31.00	
196 052214		PI5799	028877	00	06/25/2014	001-2030-451.20-35	BLANKET PURCHASE ORDER	124.00	
196 052214		PI5800	028877	00	06/25/2014	025-2074-433.20-35	BLANKET PURCHASE ORDER	31.00	
VENDOR TOTAL *								217.00	
0006256	00	LINCOLN POLICE DEPT							
061214		PI5992	030132	00	06/25/2014	001-1209-421.20-13	GENERAL	116.88	
VENDOR TOTAL *								116.88	
0001215	00	LOU'S SPORTING GOODS							
AAV742773-AX07		PI5820	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	6.45	
AAV742773-AX16		PI5821	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	64.50	
AAV742773-AX18		PI5822	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	6.45	
AAV742773-AX20		PI5823	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	6.45	
AAV742780-AX05		PI5824	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	116.10	
AAV742780-AX07		PI5825	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	19.35	
AAX749254-AX03		PI5826	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	90.30	
AAX749255-AX04		PI5827	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749256-AX04		PI5828	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	38.70	
AAX749257-AX05		PI5829	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749258-AX05		PI5830	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749259-AX02		PI5831	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749260-AX04		PI5832	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749261-AX03		PI5833	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	83.85	
AAX749262-AX02		PI5834	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	83.85	
AAX749263-AX02		PI5835	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	83.85	
AAX749264-AX02		PI5836	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	70.95	
AAX749265-AX02		PI5837	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	77.40	
AAX749266-AX03		PI5838	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	45.15	
AAX749267-AX04		PI5839	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	51.60	
AAX749268-AX02		PI5840	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	58.05	
AAX749269-AX04		PI5841	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	32.25	
AAX749270-AX03		PI5842	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	58.05	
AAX749271-AX03		PI5843	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	58.05	
AAX749272-AX03		PI5844	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	64.50	
AAX749274-AX04		PI5845	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	64.50	
AAX749276-AX03		PI5846	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	77.40	

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INVOICE		VOUCHER P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
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0001215	00	LOU'S SPORTING GOODS						
AAX749277-AX03	PI5847	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	96.75	
AAX749279-AX03	PI5848	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	70.95	
AAX749280-AX02	PI5849	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	77.40	
AAX749281-AX03	PI5850	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	64.50	
AAX749283-AX02	PI5851	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	70.95	
AAX749298-AX03	PI5852	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	90.30	
AAX749299-AX09	PI5853	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	96.75	
AAX749300-AX03	PI5854	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	96.75	
AAY745470-AX06	PI5855	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	866.25	
AAY745587-AX04	PI5856	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	25.80	
AAY745599-AX04	PI5863	030016	00	06/25/2014	001-2029-451.30-79	GENERAL	285.00	
AAY745599-AX07	PI5864	030016	00	06/25/2014	001-2029-451.30-79	GENERAL	100.00	
AAX749656-AX03	PI5941	029831	00	06/25/2014	001-2029-451.30-52	GENERAL	12.90	
AAX749146-AX11	PI5946	029955	00	06/25/2014	001-2029-451.30-33	GENERAL	5,111.42	
AAX749146-AX13	PI5947	029955	00	06/25/2014	001-2029-451.30-33	GENERAL	84.00	
VENDOR TOTAL *							8,665.47	
0006309	00	LUTTIG, LAURA A						
#0010	PI5578	028869	00	06/25/2014	034-0790-421.20-99	BLANKET PURCHASE ORDER	1,800.00	
VENDOR TOTAL *							1,800.00	
0004126	00	MAINSTREET OF FREMONT INC						
1656	PI5726	029758	00	06/25/2014	024-0772-490.20-99	FIELD PURCHASE ORDER	5,000.00	
VENDOR TOTAL *							5,000.00	
0003122	00	MASUNE / MEDCO SUPPLY CO						
41813618	PI5867	030035	00	06/25/2014	001-2028-451.30-79	GENERAL	82.47	
41813618	PI5866	030035	00	06/25/2014	001-2030-451.20-99	GENERAL	18.14	
41813618	PI5868	030035	00	06/25/2014	001-2030-451.30-79	GENERAL	82.48	
VENDOR TOTAL *							183.09	
0006212	00	MATHESON TRI-GAS INC						
09303843	PI5556	028787	00	06/25/2014	001-1206-422.30-32	BLANKET PURCHASE ORDER	20.21	
09330263	PI5671	028787	00	06/25/2014	012-2025-431.30-64	BLANKET PURCHASE ORDER	123.00	
VENDOR TOTAL *							143.21	
9999999	00	MCENTEE, ROLAND OR CASEY						
SDP 6/7/14	LIQU000615		00	06/25/2014	001-1003-321.00-00	ST PAT'S/LIQUOR LICENSE	50.00	
VENDOR TOTAL *							50.00	
0001229	00	MENARDS - FREMONT						
53974	PI5772	028790	00	06/25/2014	001-1206-422.30-58	BLANKET PURCHASE ORDER	49.38	
54071	PI5773	028790	00	06/25/2014	001-2026-451.30-49	BLANKET PURCHASE ORDER	19.74	
54898	PI5907	028790	00	06/25/2014	001-2027-452.30-33	BLANKET PURCHASE ORDER	259.90	
54898	PI5908	028790	00	06/25/2014	001-2027-452.30-79	BLANKET PURCHASE ORDER	3.99	
54911	PI5909	028790	00	06/25/2014	001-2027-452.30-49	BLANKET PURCHASE ORDER	11.92	
54853	PI5970	030105	00	06/25/2014	001-2027-452.30-33	GENERAL	299.94	
54581	PI5674	028790	00	06/25/2014	001-2029-451.30-79	BLANKET PURCHASE ORDER	147.85	

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0001229	00	MENARDS - FREMONT									
54258		PI5774 028790 00	06/25/2014	001-2029-451.30-49	BLANKET PURCHASE ORDER				53.06		
54857		PI5905 028790 00	06/25/2014	001-2029-451.30-79	BLANKET PURCHASE ORDER				72.17		
55005		PI5910 028790 00	06/25/2014	001-2029-451.30-79	BLANKET PURCHASE ORDER				157.28		
54367		PI5775 028790 00	06/25/2014	001-2030-451.30-33	BLANKET PURCHASE ORDER				11.31		
54367		PI5776 028790 00	06/25/2014	001-2030-451.30-49	BLANKET PURCHASE ORDER				23.20		
54373		PI5673 028790 00	06/25/2014	001-2031-455.30-58	BLANKET PURCHASE ORDER				27.10		
54301		PI5672 028790 00	06/25/2014	001-2042-440.30-56	BLANKET PURCHASE ORDER				61.20		
54864		PI5906 028790 00	06/25/2014	001-2042-440.30-56	BLANKET PURCHASE ORDER				89.62		
54370		PI5777 028790 00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER				6.98		
54582		PI5778 028790 00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER				33.45		
54596		PI5779 028790 00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER				10.48-		
54597		PI5780 028790 00	06/25/2014	012-2025-431.30-79	BLANKET PURCHASE ORDER				19.02		
					VENDOR TOTAL *				1,336.63		
0001702	00	MIDWEST RADIATOR LLC									
50539		PI5730 030011 00	06/25/2014	001-2027-452.30-56	FIELD PURCHASE ORDER				659.00		
					VENDOR TOTAL *				659.00		
0006324	00	MILLER PAINTING INC									
012900		PI5630 029138 00	06/25/2014	001-2030-451.20-60	GENERAL				29,985.00		
					VENDOR TOTAL *				29,985.00		
0002421	00	MOORE MEDICAL LLC									
98213887 I		PI5872 030052 00	06/25/2014	001-1206-422.30-33	GENERAL				281.56		
					VENDOR TOTAL *				281.56		
0006400	00	MULLIKEN, KELSEY									
061014		PI5962 030085 00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER				39.40		
					VENDOR TOTAL *				39.40		
0005038	00	MUNICIPAL EMERGENCY SERVICE-FREMONT									
00527931		PI5647 030024 00	06/25/2014	001-1206-422.20-65	GENERAL				213.75		
00528571		PI5771 028789 00	06/25/2014	001-1206-422.30-56	BLANKET PURCHASE ORDER				16.00		
					VENDOR TOTAL *				229.75		
0006387	00	NATIONAL HIGHTLIGHTS INC									
1091572		PI5729 029971 00	06/25/2014	001-2031-455.30-51	GENERAL				996.75		
					VENDOR TOTAL *				996.75		
0003794	00	NEBR CUSTOM COVER									
47724		PI5558 028792 00	06/25/2014	001-1206-422.30-56	BLANKET PURCHASE ORDER				60.00		
32017		PI5557 028792 00	06/25/2014	001-2027-452.30-76	BLANKET PURCHASE ORDER				50.00		
					VENDOR TOTAL *				110.00		
0003340	00	NEBR DEPT OF AERONAUTICS									
873018		PI5802 028887 00	06/25/2014	029-2034-466.20-99	BLANKET PURCHASE ORDER				EFT:	1,223.06	
873018		PI5803 028887 00	06/25/2014	029-2034-490.60-02	BLANKET PURCHASE ORDER				EFT:	1,750.00	
					VENDOR TOTAL *				.00		2,973.06

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VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0003414	00	NEBR DEPT OF ECONOMIC DEVELOPMENT									
070714	KAUP	PI5993 030134	00	06/25/2014				001-1002-415.20-13	BLANKET PURCHASE ORDER	130.00	
									VENDOR TOTAL *	130.00	
0006206	00	NEBR ENVIRONMENTAL PRODUCTS									
N7140521		PI5955 030067	00	06/25/2014				012-2025-431.30-56	FIELD PURCHASE ORDER	322.20	
									VENDOR TOTAL *	322.20	
9999999	00	NEILL, AMY									
89045	NEILL	000616	00	06/25/2014				001-0000-202.04-00	AMY NEILL/COMM ROOM DEP	50.00	
									VENDOR TOTAL *	50.00	
9999999	00	NELSON, DARLA									
89531	NELSON	000618	00	06/25/2014				001-2026-347.05-00	DARLA NELSON/CF CNCLED	80.00	
									VENDOR TOTAL *	80.00	
0006329	00	NNSWC LANDFILL									
MAY 2014		000623	00	06/25/2014				001-1013-432.20-21	MAY 2014	65,683.28	
									VENDOR TOTAL *	65,683.28	
0006061	00	NTR CUSTOM METALS LLC									
15722		PI5559 028793	00	06/25/2014				001-2028-451.30-49	BLANKET PURCHASE ORDER	58.80	
15723		PI5560 028793	00	06/25/2014				001-2030-451.20-60	BLANKET PURCHASE ORDER	108.20	
15813		PI5561 028793	00	06/25/2014				012-2025-431.30-56	BLANKET PURCHASE ORDER	138.50	
									VENDOR TOTAL *	305.50	
0001020	00	O'REILLY AUTOMOTIVE INC									
0397-199922		PI5676 028794	00	06/25/2014				001-1015-415.30-63	BLANKET PURCHASE ORDER	24.99	
0397-199328		PI5675 028794	00	06/25/2014				001-1206-422.30-63	BLANKET PURCHASE ORDER	94.97	
0397-201927		PI5782 028794	00	06/25/2014				001-1209-421.30-63	BLANKET PURCHASE ORDER	13.42	
0397-203239		PI5911 028794	00	06/25/2014				001-2030-451.30-44	BLANKET PURCHASE ORDER	15.96	
0397-199922		PI5677 028794	00	06/25/2014				012-2025-431.30-63	BLANKET PURCHASE ORDER	49.98	
0397-197713		PI5781 028794	00	06/25/2014				012-2025-431.30-63	BLANKET PURCHASE ORDER	106.60	
0397-201927		PI5783 028794	00	06/25/2014				012-2025-431.30-56	BLANKET PURCHASE ORDER	13.41	
0397-201927		PI5784 028794	00	06/25/2014				012-2025-431.30-63	BLANKET PURCHASE ORDER	13.41	
									VENDOR TOTAL *	332.74	
0005346	00	OAKSTONE PUBLISHING LLC									
590937		PI5639 029736	00	06/25/2014				063-0663-480.20-93	BLANKET PURCHASE ORDER	221.40	
									VENDOR TOTAL *	221.40	
0005807	00	OCLC INC									
0000322333		PI5721 029212	00	06/25/2014				001-2031-455.20-93	GENERAL	1,053.77	
									VENDOR TOTAL *	1,053.77	
0002888	00	OFFICENET									
740339-0		PI5969 030099	00	06/25/2014				001-1007-415.30-31	BLANKET PURCHASE ORDER	126.86	
738766-0		PI5602 028889	00	06/25/2014				001-1206-422.20-95	BLANKET PURCHASE ORDER	116.65	
739669-0		PI5874 030058	00	06/25/2014				001-1206-422.30-31	GENERAL	49.39	

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INVOICE		VOUCHER	P.O.	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK		HAND-ISSUED
NO		NO	NO		DATE	NO	DESCRIPTION	AMOUNT		AMOUNT
0002888	00	OFFICENET								
740171-0		PI5973	030112	00	06/25/2014	001-1209-421.20-60	GENERAL	80.00		
740171-0		PI5974	030112	00	06/25/2014	001-1209-421.30-56	GENERAL	299.00		
739842-0		PI5877	030064	00	06/25/2014	001-1305-430.30-31	GENERAL	690.57		
740256-0		PI5968	030096	00	06/25/2014	001-2031-455.30-31	GENERAL	302.40		
737452-0		PI5985	030002	00	06/25/2014	001-2031-455.30-31	GENERAL	127.60		
737943-0		PI5989	030021	00	06/25/2014	001-2031-455.30-31	GENERAL	1,015.20		
VENDOR TOTAL *								2,807.67		
0001842	00	OMAHA TRACTOR INC								
KT2086		PI5952	030037	00	06/25/2014	001-2027-452.20-99	GENERAL	22.17		
KT2086		PI5953	030037	00	06/25/2014	001-2027-452.30-56	GENERAL	120.03		
KT2206		PI5641	029884	00	06/25/2014	012-2025-431.30-56	FIELD PURCHASE ORDER	426.57		
KT2168		PI5732	030054	00	06/25/2014	012-2025-431.30-56	FIELD PURCHASE ORDER	167.88		
VENDOR TOTAL *								736.65		
0001477	00	OMAHA WORLD-HERALD								
9407-140531		PI5710	028879	00	06/25/2014	001-2026-451.20-33	BLANKET PURCHASE ORDER	171.38		
VENDOR TOTAL *								171.38		
0006122	00	OMG MIDWEST INC								
1150419		PI5616	028972	00	06/25/2014	012-2025-431.30-69	FIELD PURCHASE ORDER	520.42		
1150767		PI5617	028972	00	06/25/2014	012-2025-431.30-69	FIELD PURCHASE ORDER	717.04		
1152426		PI5618	028972	00	06/25/2014	012-2025-431.30-69	FIELD PURCHASE ORDER	192.72		
1157858		PI5619	028972	00	06/25/2014	012-2025-431.30-69	FIELD PURCHASE ORDER	243.44		
VENDOR TOTAL *								1,673.62		
0000953	00	OUTDOOR RECREATION PRODUCTS								
8508		PI5936	029750	00	06/25/2014	001-2027-452.40-13	GENERAL	39,588.00		
8525		PI5937	029750	00	06/25/2014	001-2027-452.40-13	GENERAL	3,890.00		
8531		PI5938	029750	00	06/25/2014	001-2027-452.40-13	GENERAL	22,750.00		
8532		PI5939	029750	00	06/25/2014	001-2027-452.40-13	GENERAL	1,130.00		
VENDOR TOTAL *								67,358.00		
0006394	00	PATRICK, MOLLY								
061014		PI5963	030086	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	62.05		
VENDOR TOTAL *								62.05		
0005842	00	PEAK SOFTWARE SYSTEMS INC								
015280		PI5949	030020	00	06/25/2014	001-2030-451.20-99	GENERAL	9.73		
015280		PI5950	030020	00	06/25/2014	001-2030-451.30-31	GENERAL	339.27		
VENDOR TOTAL *								349.00		
9999999	00	PECK, EMILY								
91623 PECK		000619		00	06/25/2014	001-0000-202.04-00	EMILY PECK/CF DEPOSIT	200.00		
VENDOR TOTAL *								200.00		
0002919	00	PLATTE VALLEY EQUIPMENT LLC								
579435		PI5912	028795	00	06/25/2014	001-2027-452.30-56	BLANKET PURCHASE ORDER	259.80-		



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0002919	00	PLATTE VALLEY EQUIPMENT LLC									
579474		PI5913 028795	00	06/25/2014				001-2027-452.30-56	BLANKET PURCHASE ORDER	128.42	
579533		PI5914 028795	00	06/25/2014				001-2027-452.30-56	BLANKET PURCHASE ORDER	36.00	
582996		PI5785 028795	00	06/25/2014				012-2025-431.30-56	BLANKET PURCHASE ORDER	150.35	
VENDOR TOTAL *										54.97	
9999999	00	PLUNKETT, JAMES									
91277	PLUNKETT	000620	00	06/25/2014				001-0000-202.04-00	JAMES PLUNKETT/CF ARENA	100.00	
VENDOR TOTAL *										100.00	
0006211	00	PRAIRIE MECHANICAL CORP									
17782		PI5653 030044	00	06/25/2014				001-2031-455.20-60	GENERAL	106.25	
VENDOR TOTAL *										106.25	
0006199	00	PREMIER STAFFING INC									
3617		PI5930 029041	00	06/25/2014				001-1305-430.20-35	BLANKET PURCHASE ORDER	30.00	
3530		PI5622 029041	00	06/25/2014				001-2026-451.20-35	BLANKET PURCHASE ORDER	30.00	
3530		PI5623 029041	00	06/25/2014				001-2027-452.20-35	BLANKET PURCHASE ORDER	30.00	
3530		PI5624 029041	00	06/25/2014				001-2029-451.20-35	BLANKET PURCHASE ORDER	390.00	
3572		PI5806 029041	00	06/25/2014				001-2029-451.20-35	BLANKET PURCHASE ORDER	90.00	
3530		PI5625 029041	00	06/25/2014				001-2030-451.20-35	BLANKET PURCHASE ORDER	120.00	
3530		PI5626 029041	00	06/25/2014				001-2042-440.20-35	BLANKET PURCHASE ORDER	30.00	
3530		PI5627 029041	00	06/25/2014				012-2025-431.20-35	BLANKET PURCHASE ORDER	30.00	
3572		PI5807 029041	00	06/25/2014				012-2025-431.20-35	BLANKET PURCHASE ORDER	30.00	
VENDOR TOTAL *										780.00	
0006403	00	PUSH, HAYLIE									
061114		PI5964 030087	00	06/25/2014				001-2029-451.20-99	BLANKET PURCHASE ORDER	22.00	
VENDOR TOTAL *										22.00	
0003516	00	QUALITY INN & SUITES - NORTH PLATTE									
339621234		PI5948 029992	00	06/25/2014				001-1209-421.20-13	GENERAL	159.98	
VENDOR TOTAL *										159.98	
0001289	00	RADIOSHACK CORPORATION									
029558		PI5678 028796	00	06/25/2014				001-2031-455.30-79	BLANKET PURCHASE ORDER	39.99	
VENDOR TOTAL *										39.99	
0003505	00	RECORDED BOOKS INC									
74941460		PI5701 028847	00	06/25/2014				001-2031-455.30-51	BLANKET PURCHASE ORDER	53.77	
74942569		PI5702 028847	00	06/25/2014				001-2031-455.30-51	BLANKET PURCHASE ORDER	349.50	
74945732		PI5703 028847	00	06/25/2014				001-2031-455.30-51	BLANKET PURCHASE ORDER	188.97	
74946160		PI5704 028847	00	06/25/2014				001-2031-455.30-51	BLANKET PURCHASE ORDER	56.90	
74946875		PI5705 028847	00	06/25/2014				001-2031-455.30-51	BLANKET PURCHASE ORDER	56.90	
VENDOR TOTAL *										706.04	
0000298	00	RECREONICS INC									
662058		PI5642 030001	00	06/25/2014				001-2028-451.30-56	GENERAL	46.97	
662058		PI5643 030001	00	06/25/2014				001-2030-451.30-56	GENERAL	46.98	

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0000298	00	RECREONICS INC					
					VENDOR TOTAL *	93.95	
0005669	00	RIECKEN SOD CO INC					
521		PI5648 030027	00 06/25/2014	001-2027-452.40-13	GENERAL	65.00	
521		PI5649 030027	00 06/25/2014	001-2027-452.40-13	GENERAL	455.00	
521		PI5650 030027	00 06/25/2014	001-2030-451.30-58	GENERAL	145.00	
					VENDOR TOTAL *	665.00	
9999999	00	ROWLAND, STEPHANIE					
91630		ROWLAND 000621	00 06/25/2014	001-0000-202.04-00	STEPHANIE ROWLAND/CA DEP	200.00	
					VENDOR TOTAL *	200.00	
9999999	00	SAWTELLE, LISA					
90180		SAWTELLE 000622	00 06/25/2014	001-0000-202.04-00	LISA SAWTELLE/CF MTG RM	50.00	
					VENDOR TOTAL *	50.00	
0001305	00	SAWYER GAS N WASH INC					
53014-32		PI5562 028797	00 06/25/2014	001-1209-421.20-99	BLANKET PURCHASE ORDER	262.51	
					VENDOR TOTAL *	262.51	
0005776	00	SCOTT, BRAD					
061014		PI5865 030026	00 06/25/2014	001-2029-451.20-99	GENERAL	150.00	
					VENDOR TOTAL *	150.00	
0006203	00	SCREENING ONE INC					
140600947		PI5808 029142	00 06/25/2014	001-2026-451.20-99	BLANKET PURCHASE ORDER	13.00	
140600947		PI5809 029142	00 06/25/2014	001-2027-452.20-99	BLANKET PURCHASE ORDER	26.00	
140600947		PI5810 029142	00 06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	26.00	
140600947		PI5811 029142	00 06/25/2014	001-2042-440.20-99	BLANKET PURCHASE ORDER	13.00	
140600947		PI5812 029142	00 06/25/2014	012-2025-431.20-99	BLANKET PURCHASE ORDER	26.00	
					VENDOR TOTAL *	104.00	
0006008	00	SPIES, HALEY					
061014		PI5977 030131	00 06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	23.20	
					VENDOR TOTAL *	23.20	
0003375	00	STATE OF NEBRASKA - CELLULAR					
876512		PI5608 028892	00 06/25/2014	001-1209-421.20-99	BLANKET PURCHASE ORDER	4.00	
					VENDOR TOTAL *	4.00	
0000324	00	SYLVAN STUDIO					
28406		PI5733 030055	00 06/25/2014	001-2029-451.20-99	GENERAL	17.59	
28406		PI5734 030055	00 06/25/2014	001-2029-451.30-79	GENERAL	200.00	
					VENDOR TOTAL *	217.59	
0006223	00	T SQUARE SUPPLY LLC					
5868		PI5916 028802	00 06/25/2014	001-2027-452.30-79	BLANKET PURCHASE ORDER	248.25	
5818		PI5786 028802	00 06/25/2014	012-2025-431.30-52	BLANKET PURCHASE ORDER	142.20	

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NO		NO	NO		DATE	NO	DESCRIPTION	AMOUNT		AMOUNT
0006223	00	T SQUARE SUPPLY LLC								
5861		PI5915	028802	00	06/25/2014	012-2025-431.30-64	BLANKET PURCHASE ORDER	75.75		
							VENDOR TOTAL *	466.20		
0003377	00	TACTICAL TECHNOLOGIES INC								
24503		PI5727	029910	00	06/25/2014	034-0790-421.40-90	GENERAL	2,238.00		
							VENDOR TOTAL *	2,238.00		
0004586	00	TED'S MOWER SALES & SERVICE INC								
271455		PI5654	030046	00	06/25/2014	001-2027-452.20-99	GENERAL	26.80		
271455		PI5655	030046	00	06/25/2014	001-2027-452.30-56	GENERAL	624.37		
							VENDOR TOTAL *	651.17		
0002848	00	TERRACON CONSULTANTS INC								
T527024		PI5859	029853	00	06/25/2014	012-2032-431.45-20	GENERAL	2,302.50		
							VENDOR TOTAL *	2,302.50		
0006063	00	TITAN MACHINERY INC (VICTORS)								
3971152		PI5917	028804	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	28.25		
							VENDOR TOTAL *	28.25		
0006391	00	TODD VALLEY FARMS INC								
24176		PI5873	030057	00	06/25/2014	001-2027-452.40-13	GENERAL	1,421.63		
							VENDOR TOTAL *	1,421.63		
0005179	00	TRACTOR SUPPLY CREDIT PLAN								
123448		PI5918	028805	00	06/25/2014	001-2030-451.30-49	BLANKET PURCHASE ORDER	3.29		
121566		PI5679	028805	00	06/25/2014	012-2025-431.30-56	BLANKET PURCHASE ORDER	105.89		
							VENDOR TOTAL *	109.18		
0006355	00	TRADE WELL PALLET INC								
516893		PI5932	029658	00	06/25/2014	001-2027-452.30-79	GENERAL	900.00		
516893		PI5933	029658	00	06/25/2014	001-2027-452.40-13	GENERAL	600.00		
							VENDOR TOTAL *	1,500.00		
0004745	00	UNIQUE MANAGEMENT SERVICES INC								
257086		PI5713	028940	00	06/25/2014	001-2031-455.20-99	BLANKET PURCHASE ORDER	98.45		
							VENDOR TOTAL *	98.45		
0005809	00	US BANK CORPORATE PAYMENT SYSTEMS								
2813413		PI5943	029915	00	06/25/2014	001-1002-415.20-13	BLANKET PURCHASE ORDER	300.50		
							VENDOR TOTAL *	300.50		
0006402	00	VACCARO, DELANEY N								
060914		PI5965	030088	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	33.85		
							VENDOR TOTAL *	33.85		
0006360	00	VALIEN, JIM								
7417		PI5638	029688	00	06/25/2014	001-2027-452.20-99	GENERAL	2,300.00		

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0006360 7421	00	VALIEN, JIM PI5725 029688	00	06/25/2014	001-2027-452.20-99	GENERAL	2,315.00	
						VENDOR TOTAL *	4,615.00	
0006399 061014	00	VANCE, SCHAE PI5966 030089	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	34.80	
						VENDOR TOTAL *	34.80	
0006096 9726319493	00	VERIZON WIRELESS PI6000 028891	00	06/25/2014	034-0790-421.20-12	BLANKET PURCHASE ORDER	30.02	
						VENDOR TOTAL *	30.02	
0006401 060914	00	VOBEJDA, LEAH PI5967 030090	00	06/25/2014	001-2029-451.20-99	BLANKET PURCHASE ORDER	17.40	
						VENDOR TOTAL *	17.40	
0003337 4018182 4018182 4018182 4018257 4018257 4018257 4018257 4018257 4018057 4018257 4018182 4018182	00	WASTE CONNECTIONS INC PI5603 028890 PI5604 028890 PI5605 028890 PI5609 028923 PI5610 028923 PI5611 028923 PI5612 028923 PI5613 028923 PI5804 028890 PI5614 028923 PI5606 028890 PI5607 028890	00	06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014 06/25/2014	001-1206-422.20-99 001-1209-421.20-99 001-1410-421.20-99 001-2026-451.20-99 001-2027-452.20-99 001-2028-451.20-99 001-2029-451.20-99 001-2030-451.20-99 001-2031-455.20-99 001-2042-440.20-99 012-2025-431.20-99 012-2032-415.20-99	BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER	157.70 204.19 461.87 609.03 451.86 65.00 366.76 282.00 66.92 63.52 165.95 44.93	
						VENDOR TOTAL *	2,939.73	
0005211 ADVREP046720	00	WATCHGUARD VIDEO PI5723 029359	00	06/25/2014	001-1209-421.20-60	GENERAL	710.00	
						VENDOR TOTAL *	710.00	
0005339 060214 060914	00	WIMER, DALLAS PI5575 028854 PI5709 028854	00	06/25/2014 06/25/2014	001-2027-452.20-99 001-2027-452.20-99	BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER	470.00 130.00	
						VENDOR TOTAL *	600.00	
0005518 4027272630 4027530433	00	WINDSTREAM OF THE MIDWEST INC 0614PI5680 028820 0614PI5565 028820	00	06/25/2014 06/25/2014	001-1015-415.20-12 034-0790-421.20-12	BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER	131.61 7.43	
						VENDOR TOTAL *	139.04	
		00 General Fund				BANK TOTAL *	324,991.25	2,973.06

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City of Fremont  
Special Revenue

EXPENDITURE APPROVAL LIST  
AS OF: 06/25/2014 CHECK DATE: 06/25/2014

PAGE 21

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT, EPAY OR
INVOICE		VOUCHER P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO		NO NO						AMOUNT
0001304	00	SAWYER CONSTRUCTION CO						
1959		PI5629 029060 02 06/25/2014			011-2059-465.20-29	BLANKET PURCHASE ORDER	46,203.00	
						VENDOR TOTAL *	46,203.00	
					02 Special Revenue	BANK TOTAL *	46,203.00	

PREPARED 06/19/2014, 8:35:44  
PROGRAM: GM339L  
City of Fremont  
Keno Fund

EXPENDITURE APPROVAL LIST  
AS OF: 06/25/2014 CHECK DATE: 06/25/2014

PAGE 22

BANK: 04

VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT	
0003400	00	VILLAGE OF INGLEWOOD	MAY 2014	PI5980	028925	04	06/25/2014	020-2066-490.60-15	FIELD PURCHASE ORDER	2,159.89		
VENDOR TOTAL *										2,159.89		
04 Keno Fund										BANK TOTAL *	2,159.89	

PREPARED 06/19/2014, 8:35:44  
PROGRAM: GM339L  
City of Fremont  
CDBG Clearing

EXPENDITURE APPROVAL LIST  
AS OF: 06/25/2014 CHECK DATE: 06/25/2014

PAGE 23

BANK: 08

VEND NO	SEQ#	VENDOR NAME	INVOICE NO	VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0001131	00	FREMONT TRIBUNE									
74146		PI5593 028873	08	06/25/2014				031-0782-465.20-99	BLANKET PURCHASE ORDER	23.56	
74190		PI5601 028873	08	06/25/2014				031-0782-465.20-33	BLANKET PURCHASE ORDER	43.20	
									VENDOR TOTAL *	66.76	
									08 CDBG Clearing		
									BANK TOTAL *	66.76	

PREPARED 06/19/2014, 8:35:44  
 PROGRAM: GM339L  
 City of Fremont  
 E911

EXPENDITURE APPROVAL LIST  
 AS OF: 06/25/2014 CHECK DATE: 06/25/2014

PAGE 24

BANK: 09

VEND NO INVOICE NO	SEQ# VOUCHER NO	VENDOR NAME P.O. NO	BNK CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005808 100297822	00	CENTURYLINK PI5971 030107	09 06/25/2014	033-0789-421.20-65	BLANKET PURCHASE ORDER	4,996.26	
					VENDOR TOTAL *	4,996.26	
0002675 4026440105 402D250400	00	CENTURYLINK (QWEST) 0514PI5793 028870 0614PI5981 029537	09 06/25/2014 09 06/25/2014	033-0789-421.20-12 033-0789-421.20-12	BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER	1,791.11 825.34	
					VENDOR TOTAL *	2,616.45	
0005074 90799	00	D&D COMMUNICATIONS PI5972 030108	09 06/25/2014	033-0789-421.30-31	BLANKET PURCHASE ORDER	17.10	
					VENDOR TOTAL *	17.10	
0001107 265551	00	FREMONT AREA MEDICAL CENTER 051914 PI5585 028872	09 06/25/2014	033-0789-421.20-35	BLANKET PURCHASE ORDER	30.00	
					VENDOR TOTAL *	30.00	
0001131 60002353 74173	00	FREMONT TRIBUNE 053114PI5795 028873 PI5796 028873	09 06/25/2014 09 06/25/2014	033-0789-421.20-33 033-0789-421.20-33	BLANKET PURCHASE ORDER BLANKET PURCHASE ORDER	91.56 4.58	
					VENDOR TOTAL *	96.14	
0000930 9926520001	00	GREAT PLAINS COMMUNICATIONS INC 0514PI5991 030130	09 06/25/2014	033-0789-421.20-12	BLANKET PURCHASE ORDER	430.32	
					VENDOR TOTAL *	430.32	
0004678 3391546	00	LANGUAGE LINE SERVICES PI5791 028819	09 06/25/2014	033-0789-421.20-99	BLANKET PURCHASE ORDER	52.20	
					VENDOR TOTAL *	52.20	
0004881 196 052214	00	LINCOLN PHYSICAL THERAPY ASSOCIATES PI5801 028877	09 06/25/2014	033-0789-421.20-35	BLANKET PURCHASE ORDER	31.00	
					VENDOR TOTAL *	31.00	
0006103 140610-0064	00	MCCOOKNET INC PI5805 029001	09 06/25/2014	033-0789-421.20-12	BLANKET PURCHASE ORDER	99.00	
					VENDOR TOTAL *	99.00	
0004196 4026542437	00	WESTEL SYSTEMS 0614PI5790 028814	09 06/25/2014	033-0789-421.20-12	BLANKET PURCHASE ORDER	170.52	
					VENDOR TOTAL *	170.52	
			09 E911		BANK TOTAL *	8,538.99	
					EFT/EPAY TOTAL ***		2,973.06
					TOTAL EXPENDITURES ****	381,959.89	2,973.06
					GRAND TOTAL *****		384,932.95



## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIM VOLK, CITY CLERK/TREASURER

DATE: JUNE 19, 2014

SUBJECT: CONSUME ALCOHOL

---

Recommendation: Approve Resolution permitting consumption of alcohol on City property

Background: Per State Statute consumption of alcohol on public property must be approved by the local government.

**#9**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF FREMONT, NEBRASKA, APPROVING CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY AS FOLLOWS: CHRISTENSEN FIELD (7/23/14); City Auditorium (9/12/15)

<u>Requestor:</u>	<u>Date:</u>	<u>Purpose:</u>	<u>City Property:</u>
John Borchers	July 23, 2014	customer appreciation	Christensen Field
Nancy Roeder	September 12, 2015	wedding	City Auditorium

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

CITY OF  
**FREMONT**  
NEBRASKA PATHFINDERS

PERMISSION TO CONSUME ALCOHOL ON CITY PROPERTY FORM  
RETURN FORM **IMMEDIATELY** TO THE OFFICE OF THE CITY CLERK.

EMAIL, FAX OR MAIL THE FORM:

CITY CLERK, 400 EAST MILITARY, FREMONT NE 68025 FAX: 402.727.2778

KIM.VOLK@FREMONTNE.GOV OR LYNNE.MCINTOSH@FREMONTNE.GOV

*You cannot consume alcohol on City property without City Council approval. City Council meets the 2<sup>nd</sup> and last Tuesday of every month. Agenda deadline is Thursday before the meeting.*

On behalf of Gavilon Grain I respectfully request permission  
Organization or Individual

to consume alcohol beverages on July 23, 2014 at Christensen Field  
Date Location

for a Customer Appreciation  
Type of Event

**\*\*Please indicate which facility you will be renting\*\***



Christensen Field



City Auditorium

I understand that I must contract with a retail liquor license holder to procure a special designated permit from the City Council and the Nebraska Liquor Control Commission. The City Council meets the 2<sup>nd</sup> and last Tuesday of every month. The alcohol caterer can advise you of necessary time frames or you can call the City Clerk's office with questions regarding Special Designated Permits at 402/727-2633. I further understand that I must hire security for the event in the number as required by the Parks and Recreation Department and the Chief of Police. The security must be hired at least two weeks prior to the event.

I have read and understand the printed requirements for the facility that I have indicated above:

John D Borchers  
Print Name

[Signature]  
Signature

1700 E Front St Fremont  
Address City State & Zip

727-0878  
Phone

CITY OF  
**FREMONT**  
NEBRASKA PATRIOTIDERS

PERMISSION TO CONSUME ALCOHOL ON CITY PROPERTY FORM  
RETURN FORM **IMMEDIATELY** TO THE OFFICE OF THE CITY CLERK.

EMAIL, FAX OR MAIL THE FORM:

CITY CLERK, 400 EAST MILITARY, FREMONT NE 68025 FAX: 402.727.2778

[KIM.VOLK@FREMONTNE.GOV](mailto:KIM.VOLK@FREMONTNE.GOV) OR [LYNNE.MCINTOSH@FREMONTNE.GOV](mailto:LYNNE.MCINTOSH@FREMONTNE.GOV)

*You cannot consume alcohol on City property without City Council approval. City Council meets the 2<sup>nd</sup> and last Tuesday of every month. Agenda deadline is Thursday before the meeting.*

On behalf of Nancy Roeder, I respectfully request permission  
Organization or Individual

to consume alcohol beverages on Sept 12, 2015 City Auditorium  
Date Location

for a Wedding  
Type of Event

**\*\*Please indicate which facility you will be renting\*\***

☐

Christensen Field

☒

City Auditorium

I understand that I must contract with a retail liquor license holder to procure a **special designated permit** from the City Council and the Nebraska Liquor Control Commission. The City Council meets the 2<sup>nd</sup> and last Tuesday of every month. The alcohol caterer can advise you of necessary time frames or you can call the City Clerk's office with questions regarding Special Designated Permits at 402/727-2633. I further understand that I must hire security for the event in the number as required by the Parks and Recreation Department and the Chief of Police. The security must be hired at least two weeks prior to the event.

**I have read and understand the printed requirements for the facility that I have indicated above:**

Nancy Roeder  
Print Name

Nancy Roeder  
Signature

340 East 9th - Fremont  
Address City State & Zip 68025

402-721-9121  
Phone

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIMBERLY VOLK, CITY CLERK/TREASURER

DATE: June 16, 2014

SUBJECT: SPECIAL DESIGNATED PERMIT

---

Recommendation: Move to approve Resolution

---

Background: Events will be monitored for compliance with all rules and regulations.

**#10**

RESOLUTION NO.

A Resolution of the City Council of the City of Fremont, Nebraska, approving Special Designated Permit applications for LeRoys LLC (7/23/14); Rises's Drive-In Liquor (10/11/14)

RESOLVED: That the Fremont City Council approve the applications for a Special Designated permit as outlined herein:

<u>Requester</u>	<u>Property</u>	<u>Date</u>	<u>Purpose</u>
LeRoys LLC	1710 West 16th	July 18, 2014	reception
Rise's Drive-In Liquor	431 North Union	October 11, 2014	reception

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

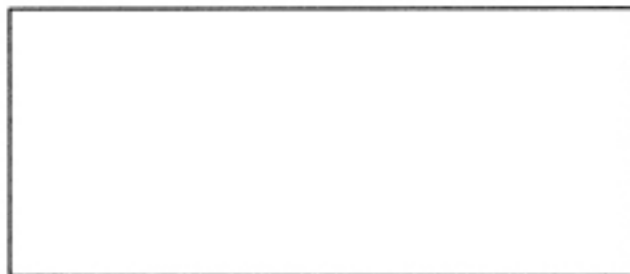
\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk

**APPLICATION FOR SPECIAL  
DESIGNATED LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.loc.ne.gov/



DO YOU NEED POSTERS? YES ☒ NO ☐

RETAIL LICENSE HOLDERS ☒

NON PROFIT APPLICANTS ☐

Non Profit Status (check one that best applies)

Municipal ☐ Political ☐ Fine Arts ☐ Fraternal ☐ Religious ☐ Charitable ☐ Public Service ☐

**COMPLETE ALL QUESTIONS**

1. Type of alcohol to be served and/or consumed: Beer ☒ Wine ☒ Distilled Spirits ☒

2. Liquor license number and class (i.e. C-55441)  
(If you're a nonprofit organization leave blank)

097521

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name  
(As it reads on your liquor license)

NAME: LeRoys LLC

ADDRESS: 710 east hwy 30

CITY North Bend Ne

ZIP 68649

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Christensen Field

ADDRESS: West 16<sup>th</sup> Street

CITY Fremont

ZIP 68025

COUNTY and COUNTY # Dodge

a. Is this location within the city/village limits?

YES ☒ NO ☐

b. Is this location within the 150' of church, school, hospital or home  
for aged/indigent or for veterans and/or wives?

YES ☐ NO ☒

c. Is this location within 300' of any university or college campus?

YES ☐ NO ☒

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date July 18	Date	Date	Date	Date	Date
<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From	<u>Hours</u> From
To 4pm	To	To	To	To	To
To 12pm					

- a. Alternate date: \_\_\_\_\_
- b. Alternate location: \_\_\_\_\_  
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:

☐ Dance ☒ Reception ☐ Fund Raiser ☐ Beer Garden ☐ Sampling/Tasting

Other \_\_\_\_\_

7. Description of area to be licensed

Inside building, dimensions of area to be covered IN FEET 300 x 200  
(not square feet or acres)

\*Outdoor area dimensions of area to be covered IN FEET x

\*SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)

If outdoor area, how will premises be enclosed?

☐ Fence; ☐ snow fence ☐ chain link ☐ cattle panel  
☐ other \_\_\_\_\_

Tent

8. How many attendees do you expect at event? 400

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

~~wrist bands~~

~~wrist bands~~ wristbands

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☒ NO ☐

- a. Are there separate toilets for both men and women? YES ☒ NO ☐



11. **Retailer: Will you be purchasing your alcohol from a wholesaler?** YES ☒ NO ☐  
**Non-Profit: Where will you be purchasing your alcohol?**

**Wholesaler** \_\_\_\_ **Retailer** \_\_\_\_ **Both** \_\_\_\_ **BYO** \_\_\_\_  
(includes wineries)

12. Will there be any games of chance operating during the event? YES ☐ NO ☒

If so, describe activity

**NOTE:** Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: \_\_\_\_\_

14. Name and **telephone number/cell phone number** of immediate **supervisor**. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. **PLEASE PRINT LEGIBLY**

Print name of Event Supervisor **Julie Jurgens**

Signature of Event Supervisor 

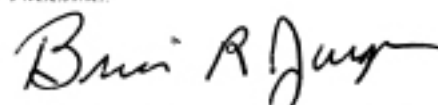
Event Supervisor phone: Before **402-578-1754** During **402-578-1754**

Email address **juliejurgens@hotmail.com**

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign  
here



Authorized Representative/Applicant

**manager**

Title

**6/9/14**

Date

**Brian R Jurgens**

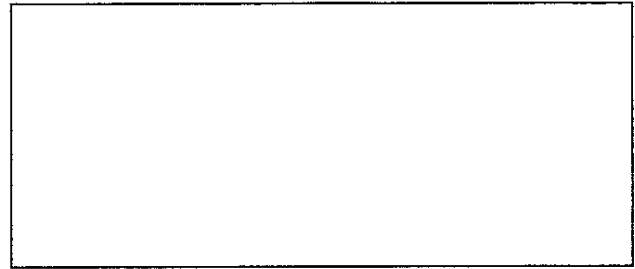
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

APPLICATION FOR SPECIAL  
DESIGNATED LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.ne.gov/



DO YOU NEED POSTERS? YES ☒ NO ☐

RETAIL LICENSE HOLDERS ☒

NON PROFIT APPLICANTS ☐

Non Profit Status (check one that best applies)

Municipal ☐ Political ☐ Fine Arts ☐ Fraternal ☐ Religious ☐ Charitable ☐ Public Service ☐

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer ☒ Wine ☒ Distilled Spirits ☒

2. Liquor license number and class (i.e. C-55441)  
(If you're a nonprofit organization leave blank)

DK-74918

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name  
(As it reads on your liquor license)

NAME: RISE'S DRIVE-IN LIQUOR, INC.

ADDRESS: 1900 E. MILITARY AVE #284

CITY FREMONT, NE ZIP 68025

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME ST. PAT'S AUDITORIUM

ADDRESS: 431 N. UNION CITY FREMONT, NE

ZIP 68025 COUNTY and COUNTY # DODGE #5

a. Is this location within the city/village limits?

YES ☒ NO ☐

b. Is this location within the 150' of church, school, hospital or home  
for aged/indigent or for veterans and/or wives?

YES ☐ NO ☒

c. Is this location within 300' of any university or college campus?

YES ☐ NO ☒

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date <u>OCT. 11, 2014</u>	Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From	Hours From
To <u>1:00 PM</u>	To	To	To	To	To
<u>1:00 AM</u>					

- a. Alternate date: \_\_\_\_\_
- b. Alternate location: \_\_\_\_\_  
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:

☐ Dance ☒ Reception ☐ Fund Raiser ☐ Beer Garden ☐ Sampling/Tasting

Other \_\_\_\_\_

7. Description of area to be licensed

Inside building, dimensions of area to be covered IN FEET 90 x 60  
(not square feet or acres)

\*Outdoor area dimensions of area to be covered IN FEET \_\_\_\_\_ x \_\_\_\_\_

\*SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)

If outdoor area, how will premises be enclosed?

\_\_\_\_ Fence; \_\_\_\_ snow fence ☐ chain link ☐ cattle panel  
\_\_\_\_ other \_\_\_\_\_  
\_\_\_\_ Tent

8. How many attendees do you expect at event? 300

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

SECURITY GUARD & WAIST BANDS

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☒ NO ☐

a. Are there separate toilets for both men and women? YES ☒ NO ☐

11. Retailer: Will you be purchasing your alcohol from a wholesaler? YES ☒ NO ☐  
Non-Profit: Where will you be purchasing your alcohol?

Wholesaler \_\_\_\_\_ Retailer \_\_\_\_\_ Both \_\_\_\_\_ BYO \_\_\_\_\_  
(includes wineries)

12. Will there be any games of chance operating during the event? YES ☐ NO ☒

If so, describe activity \_\_\_\_\_

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: \_\_\_\_\_

14. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. PLEASE PRINT LEGIBLY

Print name of Event Supervisor JEFF RISE

Signature of Event Supervisor 

Event Supervisor phone: Before 402-721-7778 During 402-719-9689  
Email address \_\_\_\_\_

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign  
here

  
Authorized Representative/Applicant

PRESIDENT  
Title

6.16-14  
Date

JEFF RISE  
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Kimberly Volk, City Clerk/Treasurer

DATE: June 16, 2014

SUBJECT: addition to premise for Jack's, 16 Bell Center

---

Recommendation: Move to approve addition to premise as requested by Jack B. Barta dba Jack's, 16 Bell Center.

---

Background: Liquor Control Commission requires Council approval of addition to premises. Jack's is expanding the original interior of the building to include some space currently being used by A&A Drug. If recommendation of denial or no recommendation is made, the Liquor Control Commission will cease processing this request.

Fiscal Impact: n/a

**#11**

# STATE OF NEBRASKA

Dave Heineman  
Governor

NEBRASKA LIQUOR CONTROL COMMISSION  
Hobert B. Rupe Executive Director  
301 Centennial Mall South, 5th Floor  
P.O. Box 95046  
Lincoln, Nebraska 68509-5046  
Phone (402) 471-2571  
Fax (402) 471-2814  
TRS USER 800 833-7352 (TTY)

June 16, 2014

FREMONT CITY CLERK  
400 EAST MILITARY AVE  
FREMONT NE 68025-5141

Dear Clerk

The below licensee has requested an **ADDITION**:

LICENSE #: **CK-107211**  
LICENSEE NAME: **BARTA, JACK B.**  
TRADE NAME: **JACK'S**  
ADDRESS: **16 BELL CENTER**  
CITY/COUNTY: **FREMONT/ DODGE**  
PREMISE PHONE: **402-721-2503**

OLD DESCRIPTION: **SINGLE STORY BLDG APPROX 45'X 79' INCLUDING BASEMENT 26'X 27'**

NEW DESCRIPTION: **SINGLE STORY BLDG APPROX 90' X 79' INCLUDING BASEMENT 26'X 27'**

Please present this request to you city/village/county board and send us a copy of their recommendation. If recommendation of denial or no recommendation is made the Commission has no alternative but to cease processing this request.

Randy Seybert  
Licensing Division  
Nebraska Liquor Control Commission

rs  
cc: file

Janice Wiebusch  
Commissioner

Bob Batt  
Chairman

William Austin  
Commissioner

An Equal Opportunity/Affirmative Action Employer

APPLICATION FOR ADDITION  
TO LIQUOR LICENSE

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.ne.gov](http://www.lcc.ne.gov)

Office Use

RECEIVED

JUN 5 2014

NEBRASKA LIQUOR  
CONTROL COMMISSION

Application:

- Must include processing fee of \$45.00 checks made payable to Nebraska Liquor Control Commission (NLCC)
- Must include a copy of the lease or deed showing ownership of area to be added. This is still required even if it's the same as on file with original application
- Must include simple hand drawn sketch showing existing licensed area and area to be added, must include outside dimensions in feet (not square feet), show direction north.  
NO BLUE PRINTS
- May include approval from the local governing body; no addition shall be approved unless endorsed by the local governing body
- Check with your local governing body for any additional requirements that may be necessary in making this request for addition

LIQUOR LICENSE # 107211 CLASS TYPE CK

LICENSEE NAME Jack Barta

TRADE NAME Jack's

PREMISE ADDRESS 116 Bell Center

CITY Fremont

CONTACT PERSON Lisa Quincey-Rump or Jack Barta

PHONE NUMBER OF CONTACT PERSON 402-753-2800

EMAIL ADDRESS OF CONTACT PERSON lquincey@a-smeds.com or

jack@savrx.com

OK 2036  
45-mm



1400014004

FORM 110  
REV 11/20/13  
Page 1 of 2

RECEIVED

1. What is being added?

Explain the type of addition that is being requested, i.e. beer garden, adding to building

We are adding the remaining space in the building to encourage flow of traffic with the other businesses.

2. Include a sketch of the area to be added showing:

- ✓ existing licensed area with length & width in feet
- ✓ area to be added with length & width in feet
- ✓ direction north

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JUN 5 2014

3. If adding an outdoor area explain:

- ✓ type of fencing
- ✓ height of fence
- ✓ length & width of outdoor area in feet

NEBRASKA LIQUOR  
CONTROL COMMISSION

*12.07 Outdoor area shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances. Rule Chapter 2-012.07*

I acknowledge under oath that the premises as added to comply in all respects with the requirements of the act.  
Neb Rev Stat §53-129

[Signature]  
Signature of Licensee or Officer

State of Nebraska

County of Dodge

The foregoing instrument was acknowledged before me this

May 28, 2014  
Date

by

Jack Barta

name of person acknowledged (individual(s) signing document)

[Signature]  
Notary Public signature

Affix Seal

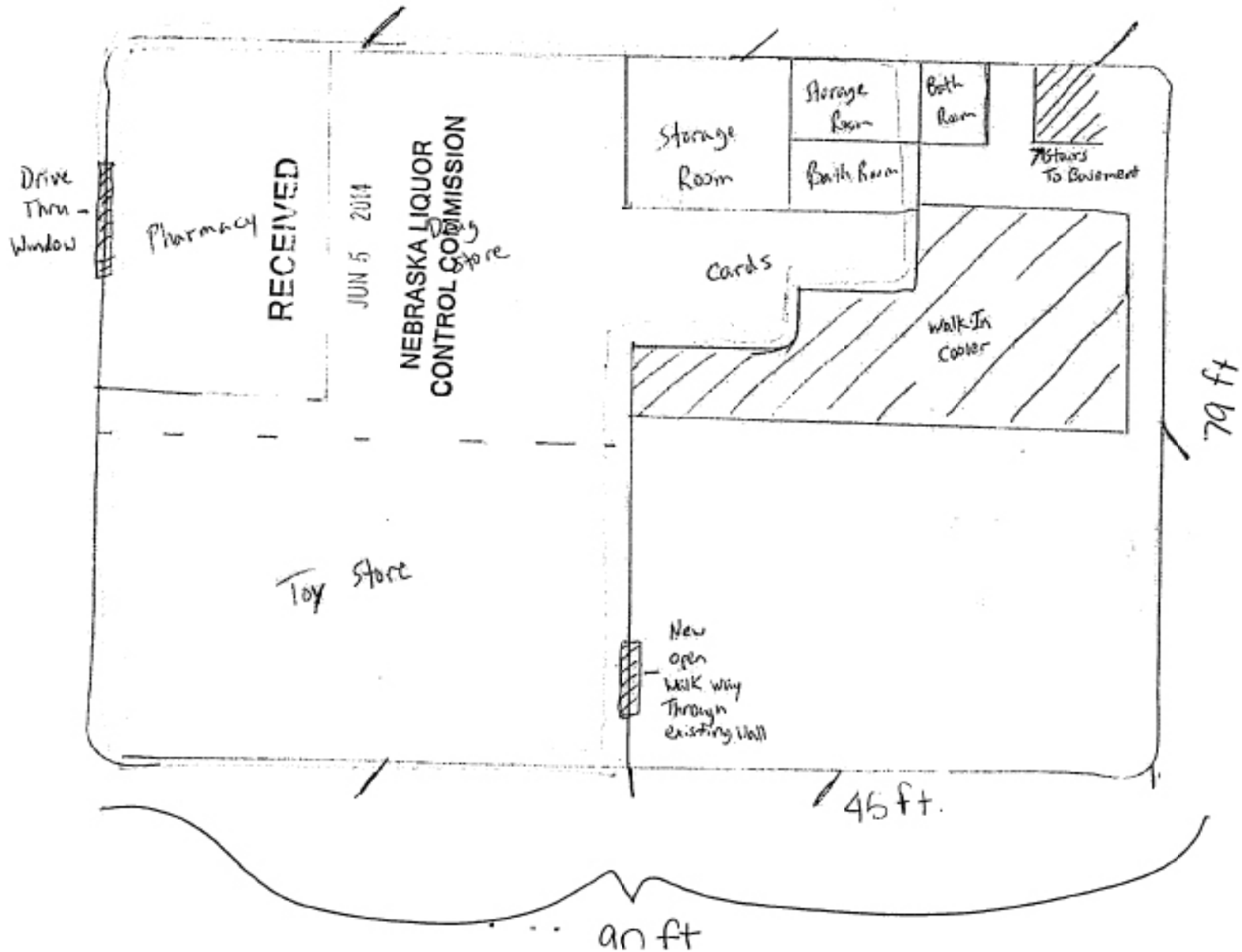
L. QUINCY-RUMP  
General Notary  
State of Nebraska

My Commission Expires Sep 25, 2016



E  
N + S  
W

= currently licensed  
= addition requesting



JUN 5 2014

LEASE AGREEMENT**NEBRASKA LIQUOR  
CONTROL COMMISSION**

This Lease made this 1<sup>st</sup> day of December 2013, by and between Barta 2005 Irrevocable Trust, of Fremont, Dodge County, Nebraska, hereinafter referred to as Landlord, and Jack Barta dba Jack's, of Fremont, Dodge County, Nebraska, hereinafter referred to as Tenant. The Landlord in consideration of the rents hereinafter specified be paid by the Tenant, by these presents does lease and let unto the Tenant the following described property in Fremont, Dodge County, Nebraska, to-wit: Jack's in the space formerly known as Denny's Liquor.

That said lease period shall extend from the 1<sup>st</sup> day of December, 2013, to the 31<sup>st</sup> day of December, 2034. In consideration of the leasing of the aforesaid, the Tenant hereby agrees to pay said Landlord as rent for said premises the sum of \$1,800.00 per month from November 2013 through December 31, 2014, payable monthly on or before the 15<sup>th</sup> day of each and every month. Said rent shall be paid to Barta 2005 Irrevocable Trust at 224 North Park Avenue, Fremont, Nebraska 68025. It is hereby expressly agreed that the acceptance of said rent, or any part thereof when the same is past due (time being of the essence of this lease), shall in no event be construed as a waiver of payment in advance from rental date and shall not in any manner vary the terms and conditions of this Lease.

The said Tenant further agrees to pay all utility bills for said premises, remove all rubbish and ashes therefrom, replace all broken glass and locks during occupancy of said premises, and keep said premises and all parts thereof in as good condition as the same are when entered upon, and shall be made at any time thereafter, ordinary wear and loss by fire and elements excepted. Upon vacating, the Tenant to securely lock said building and further expressly agrees not to remove from said premises any part thereof or any article pertaining thereto, and at the expiration of said term or any earlier termination of this Lease should be sooner terminated, to yield up peaceful possession of said premises in the manner herein provided.

The Tenant has examined said premises prior to the acceptance and execution of this Lease Agreement and has seen the physical condition thereof, including all equipment. He likewise agrees and admits that no agreement or promise to decorate, alter, repair, or improve said premises, including all equipment, either before or after the execution hereof, has been made by Landlord or his agent.

Tenant shall not sublet or allow any other tenant to come in with or under him or assign this lease or any part thereof by his act, process, or operation of law, or in any other manner whatsoever, without the written consent of the Landlord endorsed on this Lease.

Tenant further agrees to make no alteration in the premises without the consent of the Landlord in writing, except ordinary repairs as aforesaid; permit the Landlord or agent to enter at all reasonable times to view the premises and make such repairs and alterations as said Landlord may deem necessary or proper, and within one month before the termination of this Lease, display a rent sign on said premises, and show same to prospective tenants; to not use the premises or permit the use thereof in such manner as to make void or increase the rate of insurance thereon; and to comply with the ordinances of the City of Fremont and the laws of the

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State of Nebraska, and save harmless the Landlord for and account of all charges or damages for non-observance thereof.

JUN 5 2014

NEBRASKA LIQUOR  
CONTROL COMMISSION

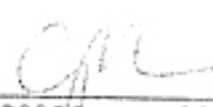
Tenant further agrees not to permit or allow to be put upon any part of the premises any signs, billboards, or advertisements whatever without the previous consent in writing of the Landlord.

At the expiration of the term hereby created, or if default be made in the payment of rent after the same is due, that is, if said rent is not paid by the 25th day of each month in full, or upon the breach of any of the covenants and agreements herein contained, the Landlord or his agent shall have the right to enter and take possession of the leased premises, and the Lessee agrees to deliver same without process of law, and this Lease, at the option of the Landlord, shall terminate, but for this clause the obligations of the Lessee to pay shall not cease and Lessee shall be liable for any loss or damage to the Landlord for his failure to comply with the terms hereof, and the Lessee hereby gives the Landlord a lien upon any and all property of Lessee kept or in use upon said premises, to be enforced in like manner as a chattel mortgage whether exempt from execution or not, for rent due or to become due by virtue of this Lease.

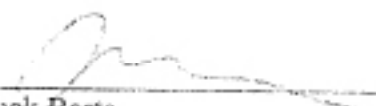
• This lease further takes the place of any old lease.

• The covenants herein contained shall run with the premises hereby, let and bind the heirs, executors, administrators, assigns, and successors of the Landlord and Tenant respectively, and consent of Landlord to assignment, acceptance of rent from assignee of the Tenant shall not release the Tenant from his obligation to pay rent and comply with the other conditions of this Lease.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year above written to duplicate copies.

  
Barta 2005 Irrevocable Trust, Landlord

Jack's

By:   
Jack Barta

STATE OF NEBRASKA     )

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JUN 5 2014

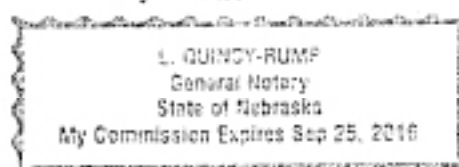
STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DODGE     )

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

On this 1st day of December, 2013, before me, a Notary Public in and for said county, personally came Barta 2005 Irrevocable Trust, known to me to be the identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at Dodge County, Nebraska on the day last above written.

Notary Public

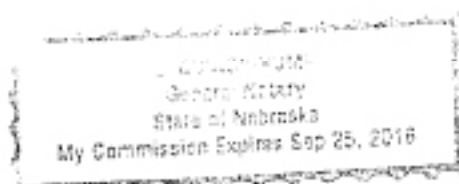


• STATE OF NEBRASKA     )  
•                                       ) ss.  
• COUNTY OF DODGE     )

On this 1st day of December, 2013, before me, a Notary Public in and for said county, personally came Jack Barta known to me to be the identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at Dodge County, Nebraska on the day last above written.

Notary Public



## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Nicholas Brand, Director of IT  
Kimberly Volk, City Clerk/Treasurer

DATE: June 19, 2014

SUBJECT: City of Fremont Council chamber upgrade

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Recommendation: Approve resolution for proposal on City of Fremont Council chamber upgrade.

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Background: Project consists of the equipment necessary to upgrade the voting, audio, and visual system within the council chambers. Request for proposals were solicited from approximately twenty companies with five companies responding (see bid tab). Proposals were scored by Director of IS Nick Brand, City Clerk Kim Volk and City Administrator Dale Shotkoski. AVI was the top choice for all three scoring members.

Kim Volk went to City of Papillion for a demonstration on their Council Chambers equipment that was installed by AVI. It is efficient and appears easy to use. Papillion City Clerk stated AVI has excellent customer service and the system works very well. AVI has installed systems in Grand Island and Sioux City. Several years ago, Kim Volk toured the Sioux City Council Chambers as well and they were very impressive. AVI has been in business a long time and was willing to negotiate their quote thus demonstrating a willingness to work with Fremont. The system will also be available to be used by the Planning Commission, Board of Adjustment and other boards/committees as needed.

Equipment Required and Approximate Cost:

City of Fremont Council chamber upgrade project

### PRODUCTS AND SERVICES SUMMARY

Equipment Contract	\$29,003.00
Intergration Contract	\$26,547.00
Pro Support Contract	declined until start of new fiscal year
Freight	see terms
tax	see terms
Grand Total	\$55,550.00

Fiscal Impact: Estimated total cost for the City of Fremont Council chamber upgrade is \$55,550 to be paid 100% by the Government with yearly maintenance agreement starting next fiscal year at approx. \$3,928.00 a year.

RESOLUTION NO. \_\_\_\_\_

A Resolution of the City Council of the City of Fremont, Nebraska, to award the request for proposal for Council Chamber upgrade in an amount of \$55,550 to AVI Systems.

WHEREAS, There is a need for an upgrade to the voting, audio and video system for the City Council Chambers; and,

WHEREAS, request for proposals were received on June 2, 2014 at 10:00 a.m. and were reviewed by Director of IS Nick Brand, City Clerk/Treasurer Kim Volk and City Administrator Dale Shotkoski

NOW THEREFORE BE IT RESOLVED: that the negotiated proposal of AVI Systems be accepted as the best proposal; and, the Mayor and City Council be and are authorized to enter into an agreement with AVI Systems in the amount of \$55,550 as approved by the City Attorney.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

## Council Chambers Upgrade

### Bidder

Midwest Sound & Lighting Inc.	\$ 51,170.00
AVI Systems	\$ 60,042.00 *\$55,550.00
Spotlight Presentations	\$ 58,816.45
Concepts AV Integration	\$ 31,501.01
Conference Technologies Inc.	\$ 30,638.58



5055 South 111th Street  
Omaha, NE 68137  
Phone: (402) 593-6500  
Fax: (402) 593-8500

## Retail Sales Agreement

Proposal Number: 02-027-001927

Bill To		Ship To	Project Location
Attn: Kimberly Volk City of Fremont 400 East Military Ave Fremont, NE 68025  Phone: (402) 727-2635 Email: kim.volk@fremontne.gov Customer Number:		Attn: Kevin Wagner AVI Systems, Inc 5055 South 111th ST Omaha, NE 68137  Phone: (402) 384-4565 Email: kevin.wagner@avisys.com	Attn: Kimberly Volk City of Fremont 400 East Military Ave Fremont, NE 68025  Phone: (402) 727-2635 Email: kim.volk@fremontne.gov
Date: June 16, 2014	OE#:	Sales Rep: Chris Davies - 27	
Customer PO#:	Terms: Net 30	Ship Via: Ground	Freight Terms: Prepaid and Add
Project #:	Project Manager:	Eng Approved By:	
Comments:			

### Products and Services Summary

Equipment Contract	\$29,003.00
Integration Contract	\$26,547.00
Pro Support Contract	Declined
Freight	See Terms
Tax	See Terms
Grand Total	\$55,550.00

The prices quoted reflect a discount for a cash payment (i.e., check, wire transfer) made by Customer in full within Net 30 days of each invoice. Discount only applies to new items included on the invoice, and only applies if the balance on the invoice is paid in full. All returned equipment is subject to a restocking charge.

### Invoicing

AVI uses progress billing, and invoices for equipment allocated to the contract when it is received by AVI. Unless otherwise specified, all items quoted (goods and services) as well as applicable out of pocket expenses (permits, licenses, shipping, etc.) are invoiced in detail (including applicable sales taxes due for each category of invoiced items) on a monthly basis, with payment in full required within Net 30 days of the date of the invoice. Customer is to make payments to the following "Remit to" address:

AVI Systems  
NW8393 PO Box 1450  
Minneapolis, MN 55485-8393.

Full payment is due before any support coverage or prepaid block begins. Overdue balances are subject to a finance charge of 1.5% per month, or interest at the highest rate permitted by applicable law. In the event AVI must pursue collection of unpaid invoices, Customer agrees to pay all of AVI's costs of collection, including its attorneys' fees.

### Taxes and Delivery

Unless stated otherwise in the "Products and Services Summary" above, AVI will add and include all applicable taxes, permit fees, license fees, and delivery charges to the amount of each invoice. Taxes will be calculated according to the state law(s) in which the product(s) and/or service(s) are provided. Customer should provide a valid tax exemption certificate for any tax exemption(s) claimed, otherwise AVI shall invoice for and collect all applicable taxes in accordance with state law(s).

### Agreement of Quotation and Contract Formation

Customer hereby accepts the above quote for goods and/or services from AVI. When duly executed and returned to AVI, AVI's Credit Department will check Customer's credit and approve the terms. After approval by AVI's Credit Department and signature by AVI, this Retail Sales Agreement will, together with the AVI General Terms & Conditions which are attached form a binding agreement between Customer and AVI. (This Retail Sales Agreement and the AVI General Terms & Conditions are referred to collectively as the "Agreement"). Should AVI's Credit Department determine at any point prior to AVI commencing work that Customer's credit is not adequate, or should it otherwise disapprove of the commercial terms, AVI reserves the right to terminate the Agreement without cause and without penalty to AVI.

#### AGREED AND ACCEPTED BY:

Customer:	AVI Systems, Inc
Signature:	Signature:
Printed Name:	Printed Name:



## Products and Services Detail

### Products

Line #	Model #	Type	Mfg	Description	Qty	List	Discounted	Extended
1	C34ESRRFHALO	Equ	CLOCKAUDIO	Cardiod condenser HALO gooseneck microphone, Sonic range, 19.2, Semi Rigid shaft, XLR termination with RF Filter	15	\$415.00	\$279.00	\$4,185.00
2	CNX-B6B	Equ	CRESTRON	Designer Keypad, 6-Buttons, Black Textured; includes 1-gang faceplate	9	\$360.00	\$202.00	\$1,818.00
3	CNPI-48L	Equ	CRESTRON	48-Button control panel interface, LED	1	\$1,170.00	\$656.00	\$656.00
4	CW9006	Equ	CLOCKAUDIO	Wireless base system, 192 selectable freq in the UHF band. 3 Pin XLR and supplies phantom power. Accommodates up to 24 systems working simultaneously. Programmable membrane switch (PTT or PTM) and LED indicator.	1	\$1,305.00	\$878.00	\$878.00
5	C34ESRRF	Equ	CLOCKAUDIO	Cardiod condenser gooseneck microphone, Sonic range, 19.2, Semi Rigid shaft, XLR termination with RF Filter	1	\$346.00	\$233.00	\$233.00
6	TSW-1052-B-S	Equ	CRESTRON	10.1" Touch Screen, Black Smooth [Just Released]	1	\$2,400.00	\$1,345.00	\$1,345.00
7	PWE-4803RU	Equ	CRESTRON	PoE Injector, universal 100-250 Volts AC	1	\$100.00	\$57.00	\$57.00
8	Nexia CS	Equ	BIAMP	NEXIA 10 mic/line inputs and 6 mic/line outputs. DSP for conference applications such as boardrooms, courtrooms, and council chambers	2	\$1,998.00	\$1,120.00	\$2,240.00
9	Whirlwind	Equ	WHIRLWIND	Whirl wind custom voting panel with punch outs for Crestron keypad and microphone.	9	-	\$43.00	\$387.00
10	Whirlwind	Equ	WHIRLWIND	Whirlwind- custom panel with punchout for microphone	6	-	\$26.00	\$156.00
11	AVI-Vote	Equ	Vote	AVI Voting software.	1	-	\$7,046.00	\$7,046.00
12	DN-700R	Equ	D M PRO	Network SD/USB Recorder	1	\$1,099.00	\$863.00	\$863.00
13	60-1292-02	Equ	EXTRON	SMB 101 ONE GANG, BLACK	6	\$180.00	\$101.00	\$606.00
14	60-1293-02	Equ	EXTRON	SMB 102 TWO GANG, BLACK	9	\$200.00	\$113.00	\$1,017.00
15	FAP62T	Equ	ATLAS	STRAT 2, 6 2-WAY SPKR SYSTEM	10	\$135.95	\$81.00	\$810.00
16	DM-TX-201-C	Equ	CRESTRON	DigitalMedia 8G+™ Transmitter 201	1	\$1,300.00	\$729.00	\$729.00
17	DMP5-200-C	Equ	CRESTRON	DigitalMedia™ Presentation System 200	1	\$7,000.00	\$3,922.00	\$3,922.00
18	HD-DA-2	Equ	CRESTRON	1-to-2 HDMI® Distribution Amplifier & Audio Converter	1	\$500.00	\$281.00	\$281.00
19	DM-RMC-SCALER-C	Equ	CRESTRON	DigitalMedia 8G+™ Receiver & Room Controller w/Scaler	1	\$1,400.00	\$785.00	\$785.00
20	TSW-1050-TTK-B-S	Equ	CRESTRON	TableTop Kit for TSW-1050 & TSW-1052, Black Smooth	1	\$250.00	\$141.00	\$141.00
21	YF1F1228B	Equ	CHIEF	12U 26" Deep Black Laminate Component Rack	1	-	\$571.00	\$571.00
22	MP-AMP30	Equ	CRESTRON	Media Presentation Audio Amplifier	1	\$300.00	\$169.00	\$169.00
23	P-HDM-M-10	Equ	LIBERTY	33' Plenum rated Standard Speed HDMI with Ethernet cable	1	\$243.00	\$108.00	\$108.00
					Products Subtotal		\$29,003.00	

**Installation**

<u>Line #</u>	<u>Model #</u>	<u>Type</u>	<u>Mfg</u>	<u>Description</u>	<u>Qty</u>	<u>List</u>	<u>Discounted</u>	<u>Extended</u>
24	AVIONSITE	Int	AVI TECH SERV	Onsite Integration	1	-	\$10,812.00	\$10,812.00
25	AVICBLCON	Int	AVI TECH SERV	Cable / Connectors	1	-	\$2,820.00	\$2,820.00
26	AVISWCONFIG	Int	AVI TECH SERV	Software Configuration	1	-	\$6,450.00	\$6,450.00
27	AVIENG	Int	AVI TECH SERV	Engineering / CAD	1	-	\$4,886.00	\$4,886.00
28	AVITRAIN	Int	AVI TECH SERV	Training	1	-	\$1,579.00	\$1,579.00
					Installation Subtotal			\$26,547.00
					Products and Services Total			\$55,550.00

## **Services to be Provided**

### **Integration Services Scope of Work**

The City of Fremont would like to replace their existing voting and audio systems in the Council Chambers.

There are two existing projectors that will be reused. Two computers and a document camera feed the existing projectors. Clerks computer is at council desk and 2nd computer is at a rack with document camera. A digital media switcher with VGA and HDMI inputs supplied to switch inputs to the projectors. An HDMI/VGA input at council desk for Clerk Laptop. System to be routed and displayed in the digital format for image quality.

AVI Systems will provide and install 9 desk-top voting stations. Each station will have a voting keypad and a 18" gooseneck microphone. The voting panel will have buttons for Yes, No, and Abstain for voting and a request to speak button to be recognized by Mayor or Clerk. Additional buttons can be added if needed.

In addition to the nine voting stations, 6 stations with 18" gooseneck microphone only will be installed. Each microphone will have a colored Halo that can be illuminated when the microphone is active. Microphones can be controlled from the touch panel control screen at Major/Clerks position.

Audio from the microphones will feed to a audio processor which will mix the 15 gooseneck microphones and wireless microphone on the podium. Outputs of audio processor will feed a multichannel amp to zone the ceiling speakers for voice lift without feedback. An audio recording device supplied to record the microphones.

The Voting software will be installed onto the Clerks computer and be controlled by the Clerk. Voting tabulation will be displayed on the Clerks desktop and can be sent to the existing projectors.

A touch panel control system will be installed and will provide the ability to control the projectors (on/off, input switching), routing of PC sources to the projector, routing of vote tabulation, microphone muting and Room volume level.

AVI Systems will provide user training for voting system and touch panel control system.

### **Integration Services Responsibilities**

#### **Integration Scope of Work/Responsibilities**

AVI Systems, Inc will provide services/work for the project as described above in the Scope of Work or per the attached separate Scope of Work document detailing the scope of work to be performed.

#### **AVI Systems, Inc Responsibilities**

- Provide equipment, materials and service items per the contract products and services detail.
- Provide systems equipment integration and supervisory responsibility of the equipment integration.
- Provide systems configuration, checkout and testing.
- Provide project timeline schedules.
- Provide necessary information, as requested, to the owner or other parties involved with this project to insure that proper AC electrical power and cableways and/or conduits are provided to properly integrate the equipment within the facilities.
- Provide manufacturer supplied equipment documentation.
- Provide final documentation and "as built" system drawings (CAD) - if purchased.
- Provide system training following integration to the designated project leader or team.

#### **Customer Responsibilities**

- Provide for the construction or modification of the facilities for soundproofing, lighting, electrical, HVAC, structural support of equipment, and decorating as appropriate. Includes installation of ceiling mounted projection screen.
- Provide for the ordering, provisioning, installation, wiring and verification of any Data Network (LAN, WAN, T1, ISDN, etc.) and Telephone Line (Analog or Digital) equipment and services prior to on-site integration.
- Provide all necessary cableways and/or conduits required to facilitate AV systems wiring.
- Provide all necessary conduit, wiring and devices for technical power to the AV systems equipment.
- Provide reasonable accesses of AVI Systems, Inc personnel to the facilities during periods of integration, testing and training, including off hours and weekends.
- Provide a secure area to house all integration materials and equipment.
- Provide a project leader who will be available for consultation and meetings.
- Provide timely review and approval of all documentation (Technical Reports, Drawings, Contracts, etc.).

## **AVI Systems General Terms and Conditions of Sale**

The following General Terms & Conditions of Sale (the "T&Cs") in combination with a signed Retail Sales Agreement constitute a binding contract (the "Agreement") between AVI Systems, Inc. ("AVI") and the entity identified on page one of the Retail Sales Agreement (the "Customer"). Any terms and conditions set forth in any correspondence, purchase order or Internet based form from Customer to AVI which purport to constitute terms and conditions which are in addition to those set forth in this Agreement or which attempt to establish conflicting terms and conditions to those set forth in this Agreement are expressly rejected by AVI unless the same has been manually countersigned in wet ink by an Officer of AVI.

**1. Changes In The Scope of Work** – Where a Scope of Work is included with this Agreement, costs resulting from changes in the scope of this project by the Customer, including any additional requirements or restrictions placed on AVI by the Customer or its representatives, will be added to the contract price. When AVI becomes aware of the nature and impact of the change, a Contract Change Order will be submitted for review and approval by the Customer before work continues. Where applicable, changes in the configuration of the Equipment described herein shall be made in writing by submission of a Change Order document.

**2. Ownership and Use of Documents and Electronic Data** – Where applicable, drawings, specifications, other documents, and electronic data furnished by AVI for the associated project under this Agreement are instruments of the services provided. AVI shall retain all common law, statutory and other reserved rights, including any copyright in these instruments. These instruments of service are furnished for use solely with respect to the associated project under this Agreement. The Customer shall be permitted to retain copies of any drawings, specifications, other documents, and electronic data furnished by AVI for information and reference in connection with the associated project and for no other purpose.

**3. Proprietary Protection of Programs** – Where applicable this Agreement does not cause any transfer of title, or intellectual rights, in control systems programs, or any materials produced in connection therewith, including any source code. Any applications or programs supplied by AVI are provided, and are authorized for installation, execution, and use only in machine-readable object code form. This Agreement is expressly limited to the use of the programs by the Customer for the equipment in connection with the associated project. Customer agrees that it will not seek to reverse-engineer any program to obtain source codes, and that it will not disclose the programs source codes or configuration files to any third party, without the written consent of AVI. The programs, source codes and configuration files, together with AVI's know-how and integration and configuration techniques, furnished hereunder are proprietary to AVI, and were developed at its private expense. If Customer is a branch of the United States government, for purposes of this Agreement any software furnished by AVI hereunder shall be deemed "restricted computer software", and any data, including installation and systems configuration information, shall be deemed "limited rights data", as those terms are defined in FAR 52.227-14 of the Code of Federal regulations.

**4. Shipping and Taxes** – The prices shown are F.O.B. manufacturer's plant. The Customer, in accordance with AVI's current shipping and billing practices, will pay all destination charges. In addition to the prices on this Agreement, the Customer agrees to pay amounts equal to any sales tax invoiced by AVI, or (where applicable) any use or personal property taxes resulting from this Agreement or any activities hereunder. Customer will defend and indemnify AVI for any claims for all unpaid taxes or for any sales tax exemption claimed by Customer.

**5. Title** – Where applicable, title to the Equipment passes to the Customer on the earlier of: (a) the date of shipment from AVI to Customer, or (b) the date on which AVI transmits its invoice to Customer.

**6. Security Interest** – In addition to any mechanics' lien rights, the Customer, for value received, hereby grants to AVI a security interest under the Minnesota commercial code together with the a security interest under the law(s) of the state(s) in which work is performed or equipment is delivered. This security interest shall extend to all Equipment, plus any additions and replacements of such Equipment, and all accessories, parts and connecting Equipment now or hereafter affixed thereto. This security interest will be satisfied by payment in full unless otherwise provided for in an installment payment agreement. The security interest shall be security for all sums owed by Customer under this Agreement. A copy of this Agreement may be filed as a financing statement with the appropriate authority at any time after signature of the Customer. Such filing does not constitute acceptance of this Agreement by AVI.

**7. Risk of Loss or Damage** – Notwithstanding Customer's payment of the purchase price for Equipment, all risk of loss or damage shall transfer from AVI to Customer upon transfer of Title to Customer. Customer shall be responsible for securing insurance on Equipment from this point forward.

**8. Receiving/Integration** – Unless the Agreement expressly includes integration services by AVI, the Customer agrees to furnish all services required for receiving, unpacking and placing Equipment in the desired location along with integration. Packaging materials shall be the property of the Customer.

**9. Equipment Warranties** – To the extent AVI receives any warranties from a manufacturer on Equipment, it will pass them through to Customer to the full extent permitted by the terms of each warranty. Factory warranties vary by manufacturer, and no additional warranties are expressed or implied.

**10. General Warranties** – Each Party represents and warrants to the other that: (i) it has full right, power and authority to enter into and fully perform its obligations under this Agreement, including without limitation the right to bind any party it purports to bind to this Agreement; (ii) the execution, delivery and performance of this Agreement by that Party does not conflict with any other agreement to which it is a Party or by which it is bound, and (iii) it will comply with all applicable laws in its discharge of its obligations under this Agreement. AVI warrants, for a period of 90 days from substantial completion, the systems integration to be free from defects in material and workmanship. CUSTOMER WARRANTS THAT IT HAS NOT RELIED ON ANY INFORMATION OR REPRESENTATION PROVIDED BY OR ON BEHALF OF AVI WHICH IS NOT EXPRESSLY INCLUDED IN THESE GENERAL TERMS AND CONDITIONS OR THE RETAIL SALES AGREEMENT. EXCEPT AS EXPRESSLY SET FORTH HEREIN, AVI DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH REGARD TO THE MATERIALS AND SERVICES PROVIDED BY AVI, INCLUDING WITHOUT LIMITATION MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON INFRINGEMENT AND TITLE.

**11. Indemnification** – Customer shall defend, indemnify and hold harmless AVI against all damages, claims, liabilities, losses and other expenses, including without limitation reasonable attorneys' fees and costs, whether or not a lawsuit or other proceeding is filed, that arise out of from (a) from any negligent act or omission of Customer, its agents, or subcontractors, (b) Customer's failure to fully conform to all laws, ordinances, rules and regulations which affect the Agreement, or (c) Customer's breach of this Agreement. If Customer fails to promptly indemnify and defend such claims and/or pay AVI's expenses, as provided above, AVI shall have the right to defend itself, and in that case, Customer shall reimburse AVI for all of its reasonable attorneys' fees, costs and damages incurred in settling or defending such claims within thirty (30) days of each of AVI's written requests. AVI shall indemnify and hold harmless Customer against all damages, claims, liabilities, losses

and other expenses, including without limitation reasonable attorneys' fees and costs, whether or not a lawsuit or other proceeding is filed, to the extent that the same is finally determined to be the result of (a) any grossly negligent act or omission of AVI, its agents, or subcontractors, (b) AVI's failure to fully conform to any material law, ordinance, rule or regulation which affects the Agreement, or (c) AVI's material breach of this Agreement.

**12. Remedies** – Upon default as provided herein, AVI shall have all the rights and remedies of a secured party under the Minnesota commercial code and under any other applicable laws. Any requirements of reasonable notice by AVI to Customer, or to any guarantors or sureties of Customer shall be met if such notice is mailed, postage prepaid, to the address of the party to be notified shown on the first page of this Agreement (or to such other mailing address as that party later furnishes in writing to AVI) at least ten calendar days before the time of the event or contemplated action by AVI set forth in said notice. The rights and remedies herein conferred upon AVI, shall be cumulative and not alternative and shall be in addition to and not in substitution of or in derogation of rights and remedies conferred by the Minnesota commercial code and other applicable laws.

**13. Limitation of Remedies for Equipment** – AVI's entire liability and the Customer's exclusive remedy shall be as follows: In all situations involving performance or nonperformance of Equipment furnished under this Agreement, the Customer's remedy is the adjustment or repair of the Equipment or replacement of its parts by AVI, or, at AVI option, replacement of the Equipment.

**14. Limitation on Liability** – The total liability of a AVI under this Agreement for any cause shall not exceed (either for any single loss or all losses in the aggregate) the net amount actually paid by Customer to AVI under this Agreement during the twelve (12) month period prior to the date on which AVI's liability for the first such loss first arose.

**15. No Consequential Damages** – AVI SHALL NOT HAVE ANY LIABILITY TO CUSTOMER OR TO ANY OTHER PERSON OR ORGANIZATION FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE OR SPECIAL DAMAGES OF ANY DESCRIPTION (INCLUDING WITHOUT LIMITATION LOST PROFITS OR LOSS OR INTERRUPTION OF BUSINESS), WHETHER BASED ON CONTRACT, NEGLIGENCE, TORT, OR ANY OTHER LEGAL THEORY, REGARDLESS OF WHETHER ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND IRRESPECTIVE OF THE NUMBER OR NATURE OF CLAIMS.

**16. Acceleration of Obligations and Default** – Payment in full for all "Equipment," which is defined as all goods identified in the section of the Agreement with the same title, as well for any and all other amounts due to AVI shall be due within the terms of the Agreement. Upon the occurrence of any event of default by Customer, AVI may, at its option, with or without notice, declare the whole unpaid balance of any obligation secured by this Agreement immediately due and payable and may declare Customer to be in default under this Agreement.

**17. Choice of Law and Venue** – This Agreement shall be governed by the laws of the State of Minnesota in the United States of America without reference to or use of any conflicts of laws provisions therein. For the purpose of resolving conflicts related to or arising out of this Agreement, the Parties expressly agree that venue shall be in the State of Minnesota in the United States of America only, and, in addition, the Parties hereby consent to the exclusive jurisdiction of the federal and state courts located in Hennepin County, Minnesota in the United States of America. The Parties specifically disclaim application (i) of the United Nations Convention on the International Sale of Goods, 1980, and (ii) of Article 2 of the Uniform Commercial Code as codified. In the event AVI must take action to enforce its rights under the Agreement, the court shall award AVI the attorney's fees it incurred to enforce its rights under this Agreement.

**18. General** – Headings are for reference purposes only and shall not affect the meaning or interpretation of this Agreement. The Parties acknowledge and agree that this Agreement has been negotiated by the Parties and that each had the opportunity to consult with its respective counsel, and shall be interpreted fairly in accordance with its terms and without any strict construction in favor of or against either Party based on draftsmanship of the Agreement. This Agreement is not assignable by Customer without the prior written consent of AVI. Any attempt to assign any of the rights, duties, or obligations of this Agreement without such consent is void. AVI reserves the right to assign this Agreement to other parties in order to fulfill all warranties and obligations expressed herein, or upon the sale of all or substantially all of AVI's assets or business. This Agreement can only be modified by a written agreement duly signed by persons authorized to sign agreements on behalf of the Customer and of AVI, and variance from the terms and conditions of the Agreement in any order or other written notification from the Customer will be of no effect. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. AVI is not responsible for any delay in, or failure to, fulfill its obligations under this Agreement due to causes such as natural disaster, war, emergency conditions, labor strike, acts of terrorism, the substantial inoperability of the Internet, the inability to obtain supplies, or any other reason or any other cause or condition beyond AVI's reasonable control. Except as agreed herein, AVI is not obliged to provide any services hereunder for Equipment located outside the United States or Puerto Rico. Scheduled completion dates are subject to change based on material shortages caused by shortages in cable and materials that are industry wide.

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Janet Davenport, Library Director

DATE: June 17, 2014

SUBJECT: Library Card Privileges for Residents of Somers Point

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Recommendation: Move to approve Resolution.

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Background: The homes in the Somers Point I and II developments are outside of the city limits and as such residents are not eligible for a Library Card unless they pay as a non-resident fee. The homes are owned and managed by the Fremont Housing Agency, and provide housing for elderly and disabled individuals. The Library Board has considered these factors and recommends that these individuals be eligible for a Library Card without a nonresident fee.

Fiscal Impact: Minimal. If all 64 units had a resident who purchased an annual \$35 non-resident card the income to the Library would be \$2,240. Members of the Library Board have been told very few residents use the library due to the cost of a non-resident library card.

**#13**

RESOLUTION NO. \_\_\_\_\_

**A Resolution of the City Council of the City of Fremont, Nebraska, providing library card privileges to residents of Somers Point housing without a non-resident fee.**

WHEREAS, a library card is required to borrow library materials and utilized library online resources; and,

WHEREAS, the Fremont Housing Agency's Somers Point I and II are outside of the Fremont city limits and its residents, elderly and disabled individuals with limited incomes, do not have access to any other library services; and,

WHEREAS, Keene Memorial Library wishes to extend library card privileges as an act of good will, to encourage the enjoyment of reading and access to information; and,

WHEREAS, an annual non-resident library card is available at the cost of \$35.00 each

WHEREAS, if all 64 residents choose to apply for a library card would result in a total reduction of revenue of \$2,240; and,

NOW THEREFORE BE IT RESOLVED: That the Mayor and City Council accept the recommendation of the Library Board and make library cards available without charge to residents of Somers Point housing.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Jean Kaup Van Iperen, Office Services Associate

DATE: June 18, 2014

SUBJECT: Community Development Block Grant Project #14-DTR-004 Grant Award

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Recommendation: Move to approve Resolution.

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Background: In March 2014, the City Council approved an application for \$6,750 of Community Development Block Grant funds for 14-DTR-004 Phase I Downtown Revitalization planning activities. On June 4, 2014, the City of Fremont received notification from the Nebraska Department of Economic Development (DED) that \$6,750 was awarded for the CDBG program to be used for the planning activities.

The Resolution accepts the grant funding and authorizes the Mayor to sign the necessary documents related to the funding award relating to the 2014 Downtown Revitalization Planning Program.

Fiscal Impact: \$875 cash and \$875 in in-kind matching from City Staff time.

**#14**



RESOLUTION NO. \_\_\_\_\_

**A Resolution of the City Council of the City of Fremont, Nebraska, accepting the grant award and authorizing the Mayor to execute necessary documents for the Nebraska Department of Economic Development Community Development Block Grant Downtown Revitalization Project 14-DTR-004.**

WHEREAS, In March 2014, the City Council approved an application for \$6,750 of Community Development Block Grant funds for 14-DTR-004 Phase I Downtown Revitalization activities.

WHEREAS, the Nebraska Department of Economic Development awarded the City of Fremont \$6,750 of Community Development Block Grant funds for Phase I Downtown Revitalization activities.

NOW, THEREFORE BE IT RESOLVED the City Council of the City of Fremont, that the award be accepted and the Mayor be authorized to execute the necessary documents for the Nebraska Department of Economic Development Community Development Block Grant Comprehensive Revitalization Project 14-DTR-004.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk



**Dave Heineman**  
Governor

# STATE OF NEBRASKA

## DEPARTMENT OF ECONOMIC DEVELOPMENT

301 Centennial Mall South  
P.O. Box 94666  
Lincoln, Nebraska 68509-4666 USA

Phone (402) 471-3111  
Toll Free (800) 426-6505  
Fax (402) 471-3778  
Statewide Relay (800) 833-0920 (voice)  
[www.neded.org](http://www.neded.org)

June 4, 2014

Scott Getzschman, Mayor  
City of Fremont  
400 East Military Ave  
Fremont, NE 68026

RE: Community Development Block Grant (CDBG) Application # 14-DTR-004 / City of Fremont  
Notice of Approval

[Federal Agency: US Dept of Housing and Urban Development/ CFDA#: 14.228]  
[CFDA Title: Community Development Block Grant (CDBG)]  
[Grant#: B-14-DC-31-0001 (2014 Federal Fiscal Year)]\*

Dear Mayor Getzschman:

On behalf of Governor Dave Heineman and Catherine Lang, Director of the Nebraska Department of Economic Development, it is a pleasure to inform you that you have been approved for a CDBG grant up to the amount of \$6,750.

The approved amount will be used for Phase I of your downtown revitalization project, which involves completing a downtown revitalization plan. If funds are available, the remaining \$350,000 for Phase II of your project, which will involve implementing the plan resulting from Phase I, may be applied for. It should be noted that costs for Phase II cannot be incurred until Phase I of your project is successfully completed and approved by the Department, and you enter into a contract with the Department for Phase II. In other words, even though you have been approved for up to \$6,750, you will be required to successfully complete Phase I and submit the required Phase II application materials to the Department during the application acceptance dates in March of 2015. The decision to award Phase II funds will be based on the availability of funds appropriated to the Department, and the content and potential of both your Phase I plan and Phase II application to successfully meet program priorities. Finally, you should be aware that your entire CDBG grant award is contingent on the Department receiving funds from the United States Department of Housing and Urban Development. *A contract for Phase I of your project, and further information on the execution of this award, will be sent separately at a later date.*

It is important that you understand that costs cannot be incurred at this time. General administrative costs necessary for completing the special conditions requirements may be incurred only after receiving the grantee contract and notification of special conditions from the Department. **You should not contract for general administrative services until you receive the grantee contract along with the notification of the Special Conditions necessary to secure a Notice of Release of Funds. Under no circumstances will you be reimbursed for non-administrative costs incurred prior to receiving the Notice of Release of Funds.**

A very limited number of costs may be incurred prior to receiving a Notice of Release of Funds. For example, only costs associated with general administration of the grant are allowable, such as contracting for administrative services or hiring staff to administer the grant. Administrative costs include those necessary for completing the special conditions requirements, including the environmental review. The Department may reimburse these costs provided all are incurred in full conformity and compliance with the terms and conditions of the Contract, OMB Circular No. A-87 and Code of Federal Regulations 24CFR part 85, and all applicable federal and state laws, regulations and requirements. All subcontracts must be for services to undertake approved administrative activities and conform to procurement procedures outlined in 24CFR85.36 except paragraph (a).

**NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT**

Catherine D. Lang, Director  
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**NEBRASKA**  
possibilities...endless™

In the event you withdraw from this award prior to receiving a written Notice of Release of Funds from the Department, the Department reserves the right to determine the amount of funds to reimburse to you, or recapture from you, for incurred eligible administrative costs.


**You are required to designate an employee with your governmental entity to undertake the principal daily responsibilities of administering this grant. In addition, a CDBG certified grant administrator must be employed or contracted by you, the grantee, to oversee the administration of the grant. This individual, who may be your designated employee, or a contracted professional, must be certified as a CDBG administrator by the Department. The list of certified administrators can be found at <http://www.neded.org/community/grants/grant-administrators/cdbg-forms#cdbgadminlist> on the Department's website. To register for the training, or for more information on the training, visit the Department's website at <http://www.neded.org/community/grants/applications/training>. If you do not have Internet access, or are unable to access the website, contact Jason Seamann at (402) 471-3761.**

**If you have any questions regarding this information, contact your program representative, Jenny Bindrum at (402) 471-6280 or (800) 426-6505, or by email at [jenny.bindrum@nebraska.gov](mailto:jenny.bindrum@nebraska.gov). The principal contact for all grant-related matters is your program representative.**

Individuals, who are hearing and/or speech impaired and have a TTY, may contact the Department through the Statewide Relay System by calling (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call the Department at (800) 426-6505 or (402) 471-3111.

We congratulate the City of Fremont on successfully obtaining CDBG funds. We look forward to actively working with you in carrying out your CDBG project.

Sincerely,



Lara Huskey  
Deputy Director

Copies: Jean Kaup Van Iperen, City of Fremont; Lowell Schroeder, NENEDD  
@DED → Steve Charleston; Federal Aid Administrator; file(s)

\*The actual federal grant number serving as the source of funding for this CDBG award will be dependent upon whether funding from previous grant years is available for distribution. As an example, if the Department continues to have funding available from prior federal fiscal years, it may be distributed prior to the Department distributing funding from 2014.\*

# STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Dale Shotkoski, City Administrator

DATE: June 18, 2014

SUBJECT: Scrap Tire Cleanup Grant

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Recommendation: Move to approve Resolution.

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Background: Keep Fremont Beautiful applied for the Nebraska Department of Environmental Quality Scrap Tire Cleanup Grant for the annual scrap tire cleanup. KFB will hold the scrap tire collection event on October 31, 2014 at Christensen Field located at 1710 W. 16<sup>th</sup> St. The total funding for the Cleanup will be \$17,976.00.

Fiscal Impact: None.

**#15**

RESOLUTION NO. \_\_\_\_\_

**A Resolution of the City Council of the City of Fremont, Nebraska, authorizing the Mayor to sign the grant agreement with the Nebraska Department of Environmental Quality for a scrap tire cleanup.**

WHEREAS, Keep Fremont Beautiful filed a grant application with the Nebraska Department of Environmental Quality for a Scrap Tire Cleanup Grant. Notification was received on June 5, 2014 that the grant was awarded in the amount of \$17,976.00.

WHEREAS, the City of Fremont, Nebraska, and Keep Fremont Beautiful will host a scrap tire cleanup day on October 31, 2014 at Christensen Field located at 1710 W. 16<sup>th</sup> St. allowing residents to recycle their used tires.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Fremont, that the Mayor be authorized and directed to sign the grant agreement with the Nebraska Department of Environmental Quality for the scrap tire cleanup grant.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk

**GRANT AGREEMENT**  
**Between the**  
**Nebraska Department of Environmental Quality**  
**And**  
**City of Fremont**  
**Regarding the Implementation of the**  
**Waste Reduction & Recycling Incentive Grant Application Project (Project)**  
**Reference Number: 2014-29950547**

THIS GRANT AGREEMENT (Agreement) is made and entered into by and between the Nebraska Department of Environmental Quality (NDEQ) and the City of Fremont (Grantee)

WHEREAS, the Grantee agrees to utilize funds which have been made available to NDEQ pursuant to the Nebraska Waste Reduction and Recycling Incentive Act; and

WHEREAS, grant funds in an amount up to \$17976 are to be used to implement the workplan as outlined in Attachment A.

NOW, THEREFORE, the parties do hereby agree to the terms and conditions of this Agreement as follows:

**I. TERM OF AGREEMENT**

This Agreement will go into effect July 1, 2014 and will remain in effect until all identified tasks are completed for the workplan as outlined in Attachment A unless terminated under P. of this Agreement, but will not remain in effect past June 30, 2015 unless extended by amendment.

**II. PROJECT DESCRIPTION**

This Agreement encompasses the project described in Attachment A.

**III. CONDITIONS OF AGREEMENT**

**A. General Conditions**

1. Not Applicable
2. The Grantee agrees that if indirect costs are authorized, as specified in the approved plan, they will be charged at the approved indirect rate.
3. Other than any contract, interagency agreement, sub-agreement, and/or procurement of equipment identified in Attachment A, the Grantee agrees that any contract, interagency agreement, sub-agreement and/or procurement of equipment under this grant for a value of \$1,000 or more, must receive NDEQ approval prior to expenditure of funds associated with those transactions.
4. All equipment purchased with grant funds must be approved in advance by the NDEQ. If bids for specific equipment were provided as part of the application and the grantee purchases the equipment using the lowest responsible bid, the grantee is approved to purchase the equipment. If the grantee proposes to buy equipment which is different from the equipment identified in the lowest responsible bid, the grantee must secure new bids for the proposed purchase of equipment and provide the bids for approval by the department.

Any such purchased equipment shall be retained by the NDEQ upon Agreement end date unless otherwise authorized in writing by the NDEQ, except that grantee may continue to utilize the equipment during its expected service life if the grantee makes effective and efficient use of the equipment. If the grantee does not make effective and efficient use of the equipment during its expected service life, as determined by the department, the grantee must surrender such equipment to the department.

When the equipment has reached the end of its expected service life, as determined by the department, the department relinquishes all interest in the equipment.

5. A Quality Assurance/Quality Control plan must be approved by NDEQ prior to expending any funds for environmental data collection. Any environmental data collected must be provided to NDEQ.
6. The Grantee agrees to recognize funding from the NDEQ on all published materials and news releases related to their NDEQ funded programs or activities.
7. A final project report must be submitted to NDEQ within 45 days after completion of the project or the termination date, whichever is earlier.
8. Not Applicable
9. The requirements of Title 199 – Waste Reduction and Recycling Incentive Grants Program, effective June 27, 2011 are hereby incorporated in this agreement.
10. The Grantee must provide NDEQ proof of coverage under an insurance policy which covers the department's investment in personal property with a purchase value greater than \$5,000 or real property as it pertains to the Waste Reduction and Recycling Incentive Grant funds.
11. Special Conditions: Grantee is responsible for locating a commercial scale to weigh empty and full loads of scrap tires collected by the scrap tire hauler from a grant-funded amnesty cleanup. To prevent split-weighing, the scale must be long enough to weigh the entire tractor/trailer at one time. The scale must have a scale operator available during the hours the scrap tire hauler will be removing scrap tires. Only machine-printed scale tickets will be accepted for reimbursement. A completed Grant Conditions Acceptance form (Attachment C) must be submitted at least thirty (30) days prior to the start of collection event. The form must also be approved by NDEQ prior to the start of the collection event.

#### **B. Statement of Costs**

Upon project completion and submittal of a final report, the Grantee shall submit an invoice with supporting documentation. For goods and services documentation must include itemized invoices and cancelled checks (electronic bank copies are sufficient). For personnel costs, actual time records or equivalent is required.

#### **C. Disbursements**

1. Grants will be funded on a reimbursement basis. Reimbursements will be made for actual expenditures. Reimbursement requests can be made no more often than quarterly.
2. Payments will be made only if required reports have been provided to the department.
3. The department will make payments on a timeline consistent with the Prompt Payment Act.

#### **D. Work Description and Schedule**

Grantee agrees to complete the objectives and work items as described in Attachment A.

**E. Amendments**

This agreement may be amended in writing at any time by mutual agreement of the parties, except insofar as any proposed amendments are in any way contrary to applicable law or requirements of the NDEQ.

**F. Forfeiture, Repayment, and Delays in Disbursement of Funds**

Violation of any of the conditions of this Agreement by the Grantee or failure of the Grantee to complete and maintain the project in the manner described in Attachment A which have been properly approved by the NDEQ, may result in recovery of any or all funds disbursed by the NDEQ. Any funding expended for an unapproved activity shall be forfeited.

**G. Remedies Not Exclusive**

The use by either the Grantee or the NDEQ of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive the party from using such remedy, or limit the application of any other remedy provided by law.

**H. Assignment**

No assignment or transfer of this agreement or any part hereof, rights hereunder, or interest herein by the Grantee shall be valid unless and until it is approved by the NDEQ and made subject to such reasonable terms and conditions as the NDEQ may impose.

**I. Waiver of Rights**

The Grantee or NDEQ may from time to time waive any of their rights under this Agreement. However, any waiver of rights with respect to a default of any condition of this Agreement shall not be deemed to be a waiver with respect to any other default.

**J. Applicable Rules and Regulations**

Both parties shall abide by all applicable rules and regulations of the NDEQ including any that may be adopted subsequent to the effective date of this Agreement, except those that would invalidate or be inconsistent with the provisions of this Agreement.

**K. Inspection of Books, Records, and Reports**

The duly authorized representative of either party shall have the right to inspect and make copies of any books, records, or reports of the other party pertaining to this Agreement or related matters during regular office hours. Each party shall maintain and make available for such inspection accurate records of all of its costs, disbursements, and receipts with respect to its activities under this Agreement.

**L. Independent Contractor**

The Grantee is and shall perform this Agreement as an independent contractor and as such shall have and maintain exclusive control over all of its employees, agents, and operations. Neither the Grantee nor any person employed by the Grantee shall act, propose to act, or be deemed the NDEQ's agent, representative, or employee. The Grantee assumes full and exclusive responsibility for the payment of all premiums,



contributions, payroll taxes, and other taxes now or hereafter required by any law or regulation, and agrees to comply with all applicable laws, regulations, and orders relating to social security, unemployment compensation, OSHA, affirmative action, equal employment opportunity, and other laws, regulations, and orders of like nature. For any work hereunder subject to the Veterans Readjustment Assistance Act of 1974, or the Rehabilitation Act of 1973, the parties hereto shall comply with all provisions thereof, together with all applicable rules, regulations, and orders of the Department of Labor, and the notices required pursuant to 41 CFR 60-1.4, 60-250.4 and 60-741.4 which are hereby incorporated by reference into this Agreement.

**M. Nondiscrimination**

The Nebraska Fair Employment Practice Act prohibits contractors to the State of Nebraska and their subcontractors from discriminating against any employee, or applicant for employment in the performance of such contracts, with respect to hire, tenure, terms, conditions, or privileges of employment because of race, color, religion, sex, disability, or national origin. The Grantee's signature is a guarantee of compliance with the Nebraska Fair Employment Practice Act, and breach of this provision shall be regarded as a material breach of this Agreement. The Grantee shall insert a similar provision in all subcontracts for services to be covered by any contract resulting from this Agreement.

**N. Drug Free Workplace**

The Grantee by executing this Agreement certifies and assures that it operates a drug free workplace as addressed in the State of Nebraska Drug Free Workplace Policy of July 7, 1989.

**O. Publication Rights**

All parties shall have publication and reproduction rights for all reports and materials which are produced as a result of this Agreement.

**P. Termination**

This agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

1. Not less than ten (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and
2. An opportunity for consultation with the terminating party prior to termination.

**Q. Hold Harmless**

The Grantee agrees to hold NDEQ harmless for loss or damage sustained by any person as a direct result of the negligent or willful acts by the Grantee, its employees, subcontractors, or agents in the performance of this agreement, including all associated costs of any defending action.

**R. Conflict of Interest**

The Grantee certifies that it will not employ any individual known by the Grantee to have a conflict of interest. The Grantee certifies that there does not now exist any relationship

between the Grantee and any person or entity which gives the appearance of a conflict of interest.

**S. Americans with Disabilities Act**

The Grantee shall comply with all applicable provisions of the Americans with Disabilities Act.

**T. New Employee Work Eligibility Status**

The Grantee is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee. If the Grantee is an individual or sole proprietorship, the following applies:

1. Grantee must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at [http://das.nebraska.gov/lb403/attestation\\_form.pdf](http://das.nebraska.gov/lb403/attestation_form.pdf)
2. If the Grantee indicates on such attestation form that he or she is a qualified alien, the Grantee agrees to provide the U.S. Citizenship and Immigration Services documentation required to verify the Grantee's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) program.
3. The Grantee understands and agrees that lawful presence in the United States is required and the Grantee may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. Sec. 4-108.

**U. Project Managers**

The Project Manager for each party to this agreement shall be as follows. The Project Manager may be changed by any agency by providing written notification.

NDEQ

City of Fremont

Steve Danahy  
Federal Aid Administrator  
Waste Management Division  
Planning and Aid Unit  
402-471-6988

Contact Name: \_\_\_\_\_

Contact Title: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

**IV. SIGNATORIES**

**NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY**

BY: Thomas R. Lamberson

TITLE: Deputy Director



DATE: June 13, 2014

City of Fremont

BY (Print): \_\_\_\_\_

TITLE: \_\_\_\_\_

(Signature): \_\_\_\_\_

DATE: \_\_\_\_\_

**Nebraska Department of Environmental Quality**  
**Waste Reduction and Recycling**  
**Grant Application**

**Grant Information**

**Application Number:** 118  
**Award Year:** 2014  
**How are you applying?** Political Subdivision  
**Program:** Waste Reduction & Recycling Incentive  
**Program Category:** Scrap Tire Collection Site  
**Total Grant Funds Requested:** \$17,976.00

**Applicant Information**

**First Name:** Dale  
**Last Name:** Shotkoski  
**Organization Name:** City of Fremont  
**Address:** 400 East Military  
**City:** Fremont  
**County:** Dodge  
**State:** NE  
**Zip:** 68025  
**Telephone:** (402) 727-2630  
**Email:** Dale.shotkoski@fremontne.gov

**Contact Information**

**First Name:** Sue  
**Last Name:** Reyklik  
**Address:** 1005 North Clarkson  
**City:** Fremont  
**State:** NE  
**Zip:** 68025  
**Telephone:** (402) 941-6122  
**Cellphone:** (402) 690-4926  
**Email:** keepfremontbeautiful@gmail.com

**Funding**

**Labor Costs**

The department will reimburse for monitoring the collection sign-in log during hours the collection is open. Labor to unload vehicles will NOT be reimbursed.

**# of Employees \* Hours \* Rate/Hr = Grant Funds Requested**

<b><u># Employees</u></b>	<b><u>Hours</u></b>	<b><u>Rate/Hr</u></b>	<b><u>Grant Funds Requested</u></b>
2	8	\$11.00	\$176.00

If your requested rate per hour falls between two of the listed rates, please select the next highest rate per hour. The requested rate per hour may not exceed the highest rate listed.

**Notes:**

Two employees will be on hand to assist with the sign in log.

**Advertising Costs**

The cost of advertising the collection event is eligible for reimbursement up to 5% (five percent) of the grant amount, not to exceed \$1,000.00. Receipts will be required.

**Grant Funds Requested**

\$1,000.00

**Notes:**

Keep Fremont Beautiful will print informational flyers that will be inserted in the Fremont Tribune and reach a large portion of the citizens living in Dodge County. Small advertisements will be placed in the other county newspapers and on KHUB Radio Station to further enhance our notification efforts. The costs for these advertising efforts will most likely exceed \$1,000 and extra costs for advertising will be paid by KFB. The following non-paid notices will be included in the City of Fremont and KFB Websites, included in the KFB Newsletter and information will also be included in the KFB column that appears every other week in the Fremont Tribune.

**Hauler Cost**

The hauler's costs include loading, transporting, and processing/tipping fees for removing scrap tires from the collection site. 3 Bids will be required.

**Amount (Tons) \* Rate/Ton = Grant Funds Requested**

**Amount (Tons)**

200

**Rate / Ton**

\$84.00

**Grant Funds Requested**

\$16,800.00

**Notes:**

We have received three bids for the collection event. Champlin Tire Recycling estimates the cost to be \$84.00 per ton and includes loading, transporting, and processing the tires. Entire Recycling submitted a bid of \$146.50 per ton and includes tipping fees, transportation costs and loading costs. Butler County Landfill submitted a bid for \$85.00 per ton and includes transport, load, unload and processing. We anticipate that late in the season we would collect 200 tons of Scrap Tires. Champlin Tire Recycling uses various methods of recycling which processes, manufactures and markets products derived from scrap tires.

**Other**

Items not covered in above categories. Please provide explanation below.

**Grant Funds Requested**

\$0.00

**Notes:****Cost Estimate/Bid Requirements:**

In order to establish a fair price for equipment and contractual services, a cost estimate/bid is required. A cost estimate/bid is an estimate of cost in response to detailed specifications. A cost estimate/bid should be in writing from the vendor and obtained from at least three different vendors. Three cost estimates or bids from one vendor for different models or services do not meet this requirement.

Exceptions to the three cost estimate/bid rule may include: 1) the product or service can only be purchased from

one source; or 2) the applicant was unable to receive three bids even though a good faith effort was made to solicit three bids. Documentation must be provided to explain why three bids were not obtained. Justification for fewer than three bids must be a reasonable, verifiable, and is subject to Department approval. The expense will not be considered eligible for grant funding if the justification is not approved by the Department.

The lowest responsible bid must be used in the application budget. If the lowest bid is not considered to be the lowest responsible bid, the applicant must provide justification for accepting a bid other than the lowest bid. Justification must be reasonable, verifiable, and is subject to Department approval.

The Department reserves the right to change application budgets if these guidelines are not followed.

### **Narratives**

\*\*\* Effective 1/1/2004, the Department will not accept blowout stabilization projects as eligible end-uses for reimbursement.

#### **When, where, and how will the scrap tires be collected?**

The City of Fremont will host a one day tire collection event in the Fall of 2014. The collection site will be located in an open area near the West entrance of Christensen Field. Christensen Field is located on West 16th Street on the far west side of Fremont and is easily accessible. The tires will be accepted from 7:00 AM to Noon on that day. Tires will be accepted from Dodge County residents. Dodge County currently has a population of just over 36,000. Champlin Tire Recycling provided the lowest bid and will remove the tires within a weeks time of the event. Champlin recycles the tires and markets the products through their customer base.

**Who is your low-bid scrap tire hauler?**

Champlin Tire Recycling of Concordia, KS presented the lowest bid at \$84.00 per ton for handling and processing.



**What is the end-use market for the scrap tires?**

Champlin Tire Recycling processes scrap tires and plastics and makes various end use products such as park benches and picnic tables. Champlin Tire Recycling processes, manufactures and markets products through their customer base. Champlin has been doing tire disposal cleanups for local and state government agencies since May of 11992 and has much experience in this field.

**Authorization**

I certify have authority under the laws of the State of Nebraska to sign this grant application and that the information submitted is, to the best of my knowledge and belief, true, accurate and complete.

**Applicant Full Name**

Dale Shotkoski

**Date**

2/14/2014

# CHAMPLIN TIRE RECYCLING, INC.



December 17, 2013

Keep Fremont Beautiful  
Keep Fremont Beautiful Executive Director  
Sue Reyzlik  
1005 North Clarkson  
Fremont, NE 68025  
402/941-6122 Voice  
402/719-8351 Cell

Page: 8 of 12

RE: Tire Disposal Bid

Dear Sue:

Champlin Tire Recycling, Inc. appreciates the opportunity to bid your tire disposal needs. The following pricing is a per ton charge. Our quote is a turnkey operation. The price includes our company loading, transporting, and processing the tires. The State of Nebraska will accept clean up bids as a per ton charge without itemizing costs if submitted with the "Nebraska DEQ Grant Application Packet".

Our company services tire disposal needs in a five State area. We transport and process over 4 million tires annually. Champlin Tire Recycling, Inc. offers full service from the point of pick up to transporting and processing of your product.

DESCRIPTION	COST
Per Ton (excluding rims)	\$84.00/Ton

Please contact me at 800-295-3345 if you have any questions or require additional information.  
Thank you.

Sincerely,

Gary W. Champlin  
General Manager

Enclosure  
GC/cs

---

P.O. BOX 445 ~ 301 CEDAR ~ CONCORDIA, KS ~ 66901-0445  
PHONE: 1-800-295-3345 • FAX: 785/243-1551  
champlintirerecycling.com

# BUTLER COUNTY

LANDFILL, INC.



December 13, 2013

Keep Fremont Beautiful  
1005 North Clarkson  
Fremont NE, 68025  
P: 402-941-6122

Email: [keepfremontbeautiful@gmail.com](mailto:keepfremontbeautiful@gmail.com)

Dear Sue:

Butler County Landfill is providing you with a bid to abate the scrap tires generated from the amnesty program in Fremont, Nebraska. The time necessary for completion will be dependent on the number of tires accumulated, however, we should be able to transport approximately 45 to 60 tons per day to our facility for shredding. Butler County Landfill's approved use is to shred the tires and use the shreds for alternative daily cover in our landfill.

The rate of \$85.00 per ton includes the labor and equipment to transport, load, unload and process the 400 tons of scrap tires at the Butler County Landfill near David City, Nebraska. This rate is based on your projection of 400 tons it should take us 5 – 10 days to transport and process all of the tires from this project.

Thank you for considering our services. If you have any questions or concerns, please do not hesitate to call me at (402) 367-4662.

Sincerely,

Kelly Danielson  
Sales Manager

---

3588 R Road • David City, NE 68632 • Phone: 402-367-4662 • Fax: 402-367-4079

*Providing Solid Waste Services For Eastern Nebraska*

EnTire Recycling  
63116 HWY 67 - PO Box 217  
Brock, NE 68320  
402-856-2215  
877-209-7345  
660-744-2732 Fax

NE Hauler ID #03-025-H000  
MO Hauler ID #H-2391

Keep Fremont Beautiful

1005 N. Clarkson St.

Fremont, NE 68025

Phone - 402-941-6122

Keepfremontbeautiful@gmail.com

Site Location Christensen Field

Fremont

The bulk of your scrap tires will be delivered to EnTire Recycling, which is located 3 miles east of Brownville, NE on US Hwy 136 in Rock Port, Missouri. EnTire Recycling recycles scrap tires into Crumb rubber. EnTire Recycling's Missouri Processing ID# is 09005001.

This crumb rubber is then sold into various end markets, which includes: Playgrounds, natural grass enhancements, infill for artificial turf athletic fields, rubber modified molding compound, horse arenas, and to modify asphalt for roads.

Please note that some tires received may be unfit for these uses. EnTire reserves the right to properly dispose of any tires it deems unfit for its process at other licensed or permitted facilities.

We have received many requests for bids from Nebraska locations and we are sure that several cleanups could happen on the same dates. We will react to haul away the tires as quickly as possible and will keep you informed of our haul away plans should we be your contractor.

You have requested a bid from EnTire Recycling, Inc. to haul away 400 tons of tires from your clean up. Our bid is \$146.50 per ton. Our bid includes tipping fees, transportation costs and loading cost.

Our trucks can be weighed on a local scale if available or we will mutually agree on how the tires will be weighed. All trucks are also weighed at our facility on a State Certified scale.

James D. Gerking  
James D. Gerking, President  
EnTire Recycling

# CHAMPLIN TIRE RECYCLING, INC.



December 17, 2013

Keep Fremont Beautiful  
Keep Fremont Beautiful Executive Director  
Sue Reyzlik  
1005 North Clarkson  
Fremont, NE 68025  
402/941-6122 Voice  
402/719-8351 Cell

*RE: Tire Disposal Bid*

Dear Sue:

Champlin Tire Recycling, Inc. appreciates the opportunity to bid your tire disposal needs. The following pricing is a per ton charge. Our quote is a turnkey operation. The price includes our company loading, transporting, and processing the tires. The State of Nebraska will accept clean up bids as a per ton charge without itemizing costs if submitted with the "Nebraska DEQ Grant Application Packet".

Our company services tire disposal needs in a five State area. We transport and process over 4 million tires annually. Champlin Tire Recycling, Inc. offers full service from the point of pick up to transporting and processing of your product.

DESCRIPTION	COST
Per Ton (excluding rims)	\$84.00/Ton

Please contact me at 800-295-3345 if you have any questions or require additional information. Thank you.

Sincerely,

Gary W. Champlin  
General Manager

Enclosure  
GC/cs

---

P.O. BOX 445 ~ 301 CEDAR ~ CONCORDIA, KS ~ 66901-0445  
PHONE: 1-800-295-3345 • FAX: 785/243-1551  
[champlintirerecycling.com](http://champlintirerecycling.com)

Attachment C

Waste Reduction and Recycling Incentive Grants program  
Grant Conditions Acceptance

Grantee Name: \_\_\_\_\_

Grant Amount: \_\_\_\_\_ Grant start date: \_\_\_\_\_ Grant end date: \_\_\_\_\_

Project Description: Scrap tire collection event

General Conditions:

1. Grantee must return this completed Grant Conditions Acceptance form at least thirty days prior to start of the collection day event. The Department will notify the grantee in writing of the approval of the selected tire hauler.
2. Grantee's payment will be made up to the amount of the grant award amount, upon submittal of: (1) copies of scale tickets and invoices from your hauler for all scrap tires cleaned up, (2) scrap tire cleanup log (included—please make additional copies as needed), (3) if applicable, copies of timesheets for laborers, listing date worked, name of worker(s), hours worked per day, and hourly wage, and (4) if applicable, copies of invoices for advertising, along with a sample copy of the ad.
3. Because bids submitted with the grant application indicate the scrap tire hauler will load all scrap tires, no additional expenses for the use of equipment by the grant recipient will be eligible for reimbursement unless written permission is given by this Department. Labor is approved for someone to monitor the required scrap tire cleanup log sign-in sheet.
4. Tire retailers or businesses that have charged or collected fees to accept scrap tires are not eligible to bring in scrap tires for disposal at the grant-funded scrap tire collection event.
5. Tires accepted at the scrap tire collection event must be off of rims.
6. Advertising expenses, up to a maximum of 5% of the grant award amount, are eligible for reimbursement. Submit a copy of the paper ad and invoice for advertising expense to NDEQ.
7. The grant award is based on the low-bid hauler's price per ton times the number of estimated tons, plus the estimated cost for advertising, and labor to have someone monitor the required sign-in log. Your selected hauler must be approved by NDEQ prior to starting your cleanup (see below). If you choose to use a hauler charging more than the low-bid price, you must make up the difference charged per ton. Example: Low bid hauler bids \$100/ton to clean up tires. Your selected hauler charges \$120/ton. NDEQ will reimburse \$100/ton for all tons cleaned up; you must pay the hauler the additional \$20/ton.



Attachment C

8. All scrap tires collected must go to an approved end use. The following information must be approved by the Department **at least 30 days prior to the start of your collection event:**

Date of scrap tire collection event: October 31, 2014

Address or location of scrap tire collection event: Christensen Field - 1710 W. 16<sup>th</sup>  
Fremont, NE

Name of hauler selected: Champlin Tire Recycling

Where will tires be hauled, and what is the specific end-use of scrap tires collected: Concordia, KS  
Product manufacturer - park benches & picnic tables.

I, the undersigned, acknowledge receipt of this Grant Conditions Acceptance form and agree to abide by the conditions as stated above.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## STAFF REPORT

TO: Honorable Mayor and City Council

FROM: John Hemschemeyer – Director of Human Resources

DATE: June 17, 2014

SUBJECT: Fire Fighter

---

Recommendation: Move to approve the recommendation of the Mayor and the Civil Service Commission to appoint Jack Kassebaum as firefighter.

---

Background:

**#16**

CITY OF  
**FREMONT**  
NEBRASKA PATHFINDERS

---

400 East Military Avenue, Fremont, NE 68025-5141

June 17, 2014

Honorable Mayor and City Council  
City of Fremont  
Fremont, NE 68025

Dear Mayor and City Council:

The Civil Service Commission certifies the following candidates are eligible for appointment to the Fire Firefighter vacancy in the Fremont Fire Department.

Michael Bainbridge  
625 McNeil Lane  
Fulton, MO 65251

Jack Kassebaum  
471 Fletcher Ave  
Lincoln, NE 68521

Jason Klipfel  
4985 N 32<sup>nd</sup> Street  
Lincoln, NE 68504

Relevant experience, education, and training were evaluated to assess the suitability of the applicants for the vacancy.

Sincerely,



Stephen F Tellatin  
Civil Service Commission

cp



## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer / Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Consider Concurrence with and approval of the dedication of a permanent easement by Midland University for the construction of a round-about at the intersection of East 10<sup>th</sup> Street and North Logan Street.

---

Recommendation: Move to approve Resolution.

---

**Request:** Midland University seeks to have the City of Fremont concur and approve the dedication of a parcel of land located at the intersection of East 10<sup>th</sup> Street and North Logan Street for the purpose of constructing a round-about.

**Background:** Midland University is making this request as part of transformation of the existing vacated right-of-ways on their campus. In this location, they are proposing to construct a round-about that has an inside radius of 28' and a 22' driving lane. The design is such that there will be adequate space for a parked vehicle on the outside of the driving lane with adequate space for cars to maneuver on the inside.

**Findings:** The proposed easement size is adequate for the proposed round-about dimensions and should improve the functionality of the intersection for the University.

**#17**

**Resolution No. \_\_\_\_\_**

A Resolution by the City Council of the City of Fremont, Nebraska, to concur with and approve the dedication of a permanent easement by Midland University for construction of a round-about at East 10<sup>th</sup> Street and North Logan Street.

WHEREAS: The Mayor and City Council of the City of Fremont, Nebraska have received a request from Midland University pursuant to State Statute 31-736 to concur and approve the dedication of a parcel of land located at the intersection of East 10<sup>th</sup> Street and North Logan Street for the purpose of construction of a round-about; said parcel described as:

A TRACT OF LAND COMPOSED OF A PORTION OF THE VACTED E. 10<sup>TH</sup> STREET RIGHT OF WAY, A PORTION OF THE VACATED N. LOGAN STREET RIGHT OF WAY, AND A PORTION OF LOT 1, BLOCK 1, BARNARDS COLLEGE ADDITION, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 8 EAST OF THE 6TH P.M., DODGE COUNTY, CITY OF FREMONT, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 5, BARNARDS PROPOSED ADDITION, SAID POINT BEING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF E. 10<sup>TH</sup> STREET AND THE EAST RIGHT OF WAY LINE OF N. LOGAN STREET, THENCE SOUTH ALONG THE EAST RIGHT OF WAY LINE OF N. LOGAN STREET EXTENDED ON AN ASSUMED BEARING OF SOUTH 02 DEGREES 24 MINUTES 11 SECONDS EAST, A DISTANCE OF 72.65 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 179 DEGREES 42 MINUTES 55 SECONDS, A RADIUS OF 53.00 FEET, AN ARC LENGTH OF 166.24 FEET, A CHORD LENGTH OF 106.00 FEET, AND A CHORD BEARING OF NORTH 51 DEGREES 24 MINUTES 14 SECONDS WEST TO A POINT ON THE WEST RIGHT OF WAY OF N. LOGAN STREET EXTENDED; THENCE NORTH 02 DEGREES 24 MINUTES 11 SECONDS WEST, A DISTANCE OF 3.39 FEET TO THE SOUTHEAST CORNER OF LOT 10, BLOCK 2, BARNARDS COLLEGE ADDITION, SAID POINT BEING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF E. 10<sup>TH</sup> STREET AND THE WEST RIGHT OF WAY LINE OF N. LOGAN STREET; THENCE NORTH 87 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA 7,439.98 SQUARE FEET OR 0.17 ACRES, MORE OR LESS.

WHEREAS: the requested property lies within the zoning jurisdiction of the City of Fremont, thus requiring approval of the City of Fremont pursuant to the Statute;

NOW THEREFORE, BE IT RESOLVED: By the Mayor and City Council of the City of Fremont, Nebraska, that the approval of the City of Fremont for the acquisition of the aforementioned real estate for the construction of a round-about is hereby approved.

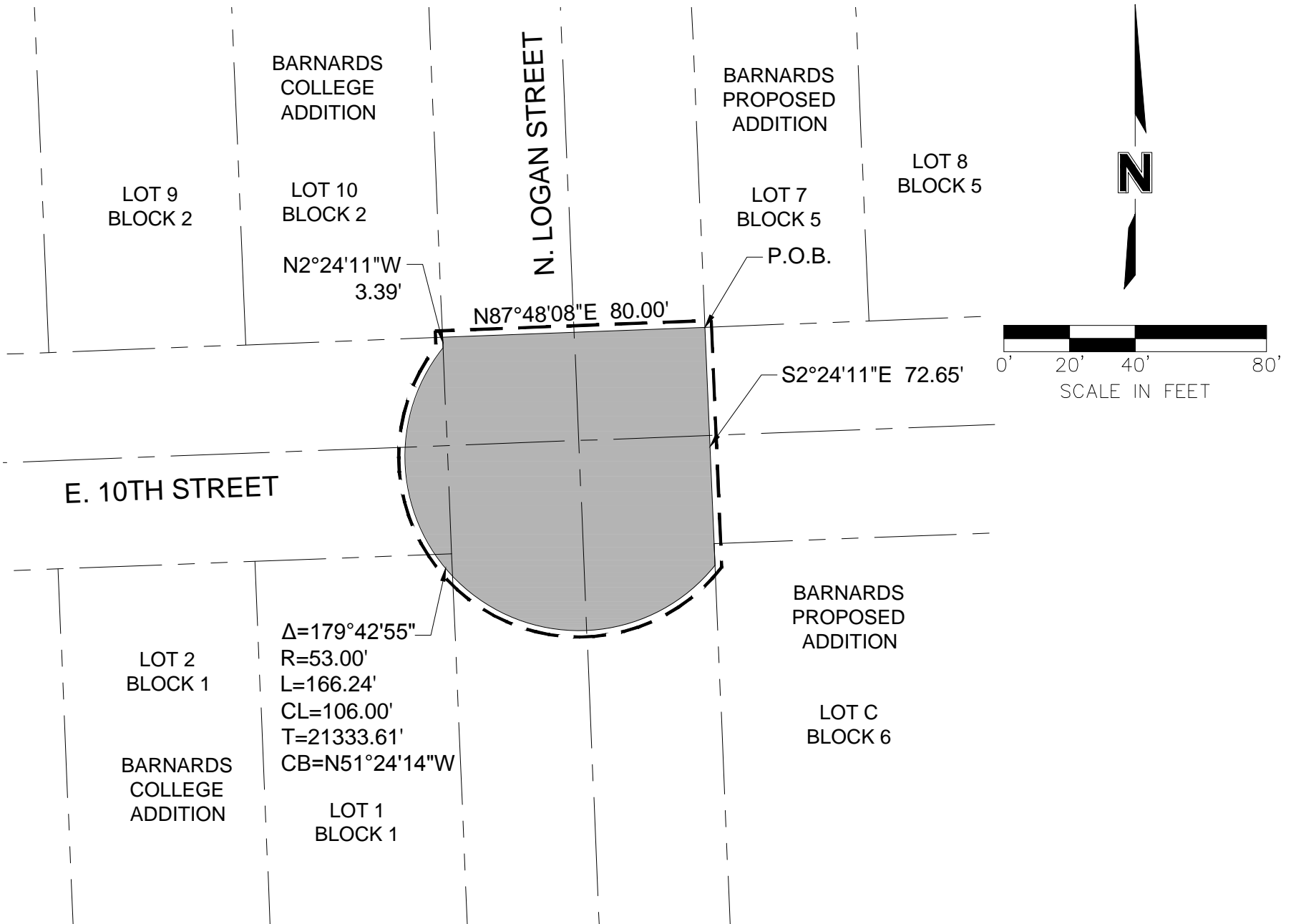
PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

DWG: F:\Projects\013-2277\SRV\MasterXrefs\132277\_EASEMENT.dwg USER: sfryc  
DATE: Jun 04, 2014 10:00am XREFS: 132277\_STOPO 132277\_Pbase



PROJECT NO:	013-2277
DRAWN BY:	SLF
DATE:	06.03.14

EXHIBIT

**OLSSON**  
ASSOCIATES

1111 Lincoln Mall, Suite 111  
P.O. Box 84608  
Lincoln, NE 68501-4608  
TEL 402.474.6311  
FAX 402.474.5160

EXHIBIT
1

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIM VOLK, CITY CLERK/TREASURER

DATE: JUNE 19, 2014

SUBJECT: MAINSTREET ANNUAL FREMONT CRAZY DAYS SIDEWALK SALES

---

Recommendation: Move to approve Resolution.

---

**Background:** This is an annual event held by MainStreet of Fremont. They have requested additional trash receptacles to be placed downtown for this event. As in the past, there will be sale items located in the streets as well as other special activities associated with the event. Crazy Days Sale will be July 26, 2014 from 7:00 a.m. to 6:00 p.m. in Downtown Fremont.

**Fiscal Impact:** none

**#18**

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, APPROVING THE CLOSING OF VARIOUS STREETS IN THE DOWNTOWN DISTRICT FOR MAINSTRET OF FREMONT ANNUAL CRAZY DAYS SALE.

WHEREAS, MainStreet of Fremont has requested to close 6th to 4th Street on Main and 6th Street from Park to Main on July 26, 2014 from 7:00 a.m. to 6:00 p.m. for annual Crazy Days Sidewalk Sale in downtown Fremont; and,

WHEREAS, MainStreet of Fremont has also requested use of additional trash receptacles to be placed downtown for this event; and,

WHEREAS, The event has been a successful event in the downtown district for many years; and,

WHEREAS, Approval of request is contingent upon receipt of \$1,000,000 insurance certificate with the applicant as primary insured and the City of Fremont as additional insured and this resolution shall serve as the written agreement for said insurance.

NOW, THEREFORE BE IT RESOLVED That the Mayor and City Council approve the request for the closing of various streets and use of trash receptacles for MainStreet of Fremont's annual Crazy Days Sale to be held July 26, 2014 from 7:00 a.m. to 6:00 p.m.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk





*Board of Directors*

June 12, 2014

*Cindy Bojanski  
President*

Fremont City Council  
400 E. Military  
Fremont, NE 68025

*Jill Gossett  
Vice President*

*Hayley Fischer  
Secretary*

Dear Council Members:

*Gordon Lowe  
Treasurer*

On behalf of MainStreet of Fremont I would like to request that the closure of the following streets: 6<sup>th</sup> to 4<sup>th</sup> Street on Main and 6<sup>th</sup> Street from Park to Main, on Saturday, July 26, 2014 between the hours of 7:00 am to 6:00 pm for the annual Crazy Days Sidewalk Sale.

*Tom Coday*

*Josh Coates*

*Amy Stewart*

We would like to request two additional trash receptacles to be placed in the downtown area to assist with the high level of trash. This seemed to alleviate overflowing trash cans that were an issue the previous year.

*Kellie Rasmussen*

*Kevin Main*

*Frank Kment*

Please feel free to contact me should you have any questions about the information above. Your continue support of our events and attractions is greatly appreciated and we look forward to another successful event!

*Jennifer Backhaus*

*Lindsey Adams*

*Sarah Brandt*

Sincerely,

*Nik Beninato*

A handwritten signature in blue ink that reads "Shannon Mullen". The signature is fluid and cursive, with a large, stylized 'S' at the beginning.

*Shannon Mullen  
Executive Director*

Shannon Mullen  
Director  
MainStreet of Fremont

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer / Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Consider request to re-plat Lot 12, Block 3 of Cambridge Square 1<sup>st</sup> Addition, Fremont, NE into two lots.

---

**Recommendation:** Move to approve Resolution

---

**Request:** The applicant seeks approval of a re-plat that will divide Lot 12, Block 3 of Cambridge Square 1<sup>st</sup> Addition into two lots. The property is located one lot east of the intersection of Oxford Street and Victoria Lane.

**Background:** The re-plat is being requested by the existing owner of said Lot 12 in order to better accommodate the sale of property.

The lot is within an R-2 Moderate Density Residential Zoning District, as is all of the ground within Cambridge Square 1<sup>st</sup> Addition. To the north of Cambridge Square 1<sup>st</sup> Addition there is AG Agricultural zoning, to the west is LI Limited Industrial zoning, to the east is R-4 High Density Residential and to the south is a combination of commercial, limited industrial and high density residential. The proposed re-platted lots will conform to the setback requirements of this zoning district.

This re-plat was approved by the Planning Commission on June 16, 2014.

**Findings:** The proposed re-plat will be in compliance with the requirements of the R-2 Zoning District and the Future Land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

RESOLUTION NO. \_\_\_\_\_

**A Resolution of the City Council of the City of Fremont, Nebraska, approving the request to replat Lot 12, Block 3, Cambridge Square 1st Addition, Dodge County, Nebraska into two lots.**

RESOLVED: That Ashville Townhomes, LLC, owners of part of Section 12, Township 17 North, Range 8 East, Dodge County, Nebraska, desire to replat said property into the following two lots:

Lot 12A – A parcel of land located in Section 12, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

Beginning at the northwest corner of Lot 12, Block 3, Cambridge Square 1<sup>st</sup> Addition, Dodge County, Nebraska; thence S89°30'36"E along the north line of said Lot 12 a distance of 42.00 feet; thence S00°29'24"W along a line parallel to the west line of said Lot 12 a distance of 110.00 feet to a point on the south line of said Lot 12; thence N89°30'36"W along the said south line a distance of 26.39 feet; thence N55°13'35"W a distance of 18.89 feet to a point on the west line of said lot 12; thence N00°29'24"E along said west line a distance of 99.36 feet to the point of beginning.

Lot 12B - A parcel of land located in Section 12, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

Beginning at the northeast corner of Lot 12, Block 3, Cambridge Square 1<sup>st</sup> Addition, Dodge County, Nebraska; thence S00°29'24"W along the east line of said lot 12 a distance of 110.00 feet to the southwest corner of said lot 12; thence N89°30'36"W along the south line of said lot 12 a distance of 42.00 feet; thence N00°29'24"E along a line parallel to said east line a distance of 110.00' to a point on the north line of said lot 12; thence S89°30'36"E along said north line a distance of 42.00' to the point of beginning.

The re-plat of the property is hereby approved subject to:

1. Receipt of proper easements
2. Capping of any necessary utility services

and the Mayor and City Clerk are hereby directed to sign this Resolution on behalf of the City Council.

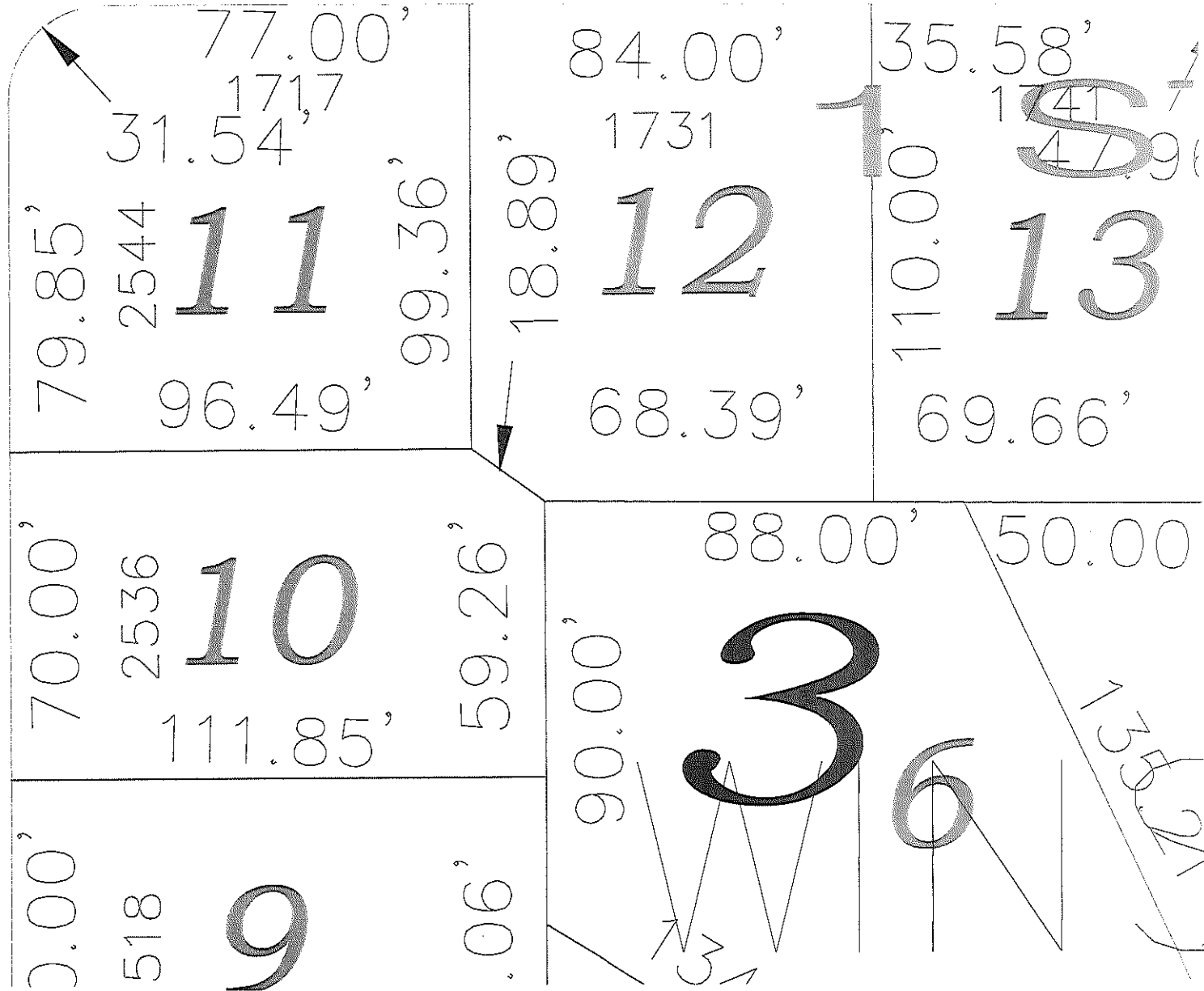
PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

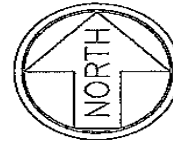
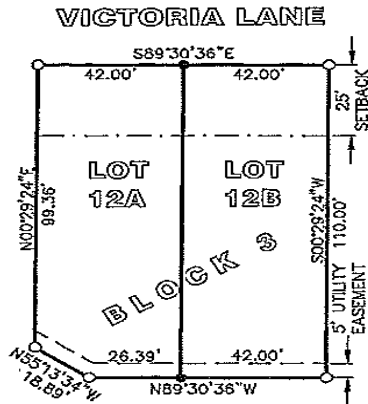
# VICTORIA



**REPLAT OF LOT 12, BLOCK 3, CAMBRIDGE SQUARE FIRST ADDITION**  
**FREMONT, DODGE COUNTY, NEBRASKA.**

**LEGEND**

- FOUND REBAR WITH LS-382 CAP
- SET 3/4" X 24" REBAR WITH LS-503 CAP
- SETBACK
- EASEMENT



SCALE: 1" = 40'

**LEGAL DESCRIPTION:**

LOT 12, BLOCK 3 CAMBRIDGE SQUARE FIRST ADDITION TO THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: THAT ASHWILLE TOWNHOMES LLC, DANIEL M. DEMUTH, OWNER; OWNER AND PROPRIETOR OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE DIVIDED INTO TWO LOTS, SAID SUBDIVISION TO BE KNOWN AS "REPLAT OF LOT 12, BLOCK 3, CAMBRIDGE SQUARE FIRST ADDITION", AND I APPROVE THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, I DO HEREBY SET MY HANDS THE

29 DAY OF May 2014, A.D.

ASHVILLE TOWNHOMES LLC  
 BY: DANIEL M. DEMUTH, OWNER

**ACKNOWLEDGMENT**

STATE OF NEBRASKA )  
 COUNTY OF DODGE ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, BEFORE ME, A GENERAL NOTARY PUBLIC, PERSONALLY APPEARED DANIEL M. DEMUTH, OWNER OF ASHWILLE TOWNHOMES LLC, WHO IS KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGES THE SIGNING OF SAID INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC

COMMISSION EXPIRES \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR WILL BE SET AS SHOWN WITHIN 60 DAYS OF FILING OF THIS PLAT IN THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

STEPHEN W. DODD, LS-503

**PLANNING COMMISSION APPROVAL**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "REPLAT OF LOT 12, BLOCK 3, CAMBRIDGE SQUARE FIRST ADDITION" WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

CHAIR

**CITY COUNCIL ACCEPTANCE**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "REPLAT OF LOT 12, BLOCK 3, CAMBRIDGE SQUARE FIRST ADDITION" WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

MAYOR

CLERK



**DODD ENGINEERING & SURVEYING**

CIVIL ENGINEERING  
 LAND DEVELOPMENT  
 SURVEYING

**402-727-9067**  
 DODDENGINEERING.NET

402 NORTH D ST. P.O. BOX 1855 FREMONT, NE 68026

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer / Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Request to approve a conditional use application to operate a group care facility on Lots 8 – 10 of Dorsey's Subdivision, Fremont, NE within an R-3 Mixed-Density Residential District.

---

Recommendation: Move to approve conditional use application to operate a group care facility on Lots 8-10 of Dorsey's Subdivision, 915 North H Street.

---

**Request:** The applicant seeks approval of a conditional use permit to operate an assisted living facility on Lots 8 – 10 of Dorsey's Subdivision, Fremont, NE within an R-3 Mixed-Density Residential District

**Background:** The request is for tract of land located at 915 North H Street and is roughly 0.64 acres in size.

The area is zoned R-3 Mixed-Density Residential, as is the ground immediately to the north, south and west. The ground to the east is zoned UC/SC Mixed Use Urban Corridor/Special Corridor Overlay and DC Downtown Commercial.

A Group Care Facility (assisted living) is permitted within R-3 Mixed-Residential Zoning through the conditional use process. According to the owner, this assisted living facility will be "licensed for no more than 16 adult residents who need basic (not skilled nursing) daily assistance with such things as medication management, meals, bathing, structure, etc."

The Planning Commission approved this conditional use permit on June 16, 2014.

Staff recommends approval.

**Findings:** The proposed conditional use will be in compliance with the requirements of the R-3 Mixed-Density Residential zoning district as well as meeting the intent of the Future land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

	CRITERIA	Compliance
Land Use Compatibility		
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	Yes
Height and Scale		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	Yes
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	Yes

Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.	Yes
Site Development		
Frontage	Project frontage along a street should be similar to lot width.	Yes
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	Yes
	All structures must be accessible to public safety vehicles.	Yes
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	Yes
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	Yes
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	Yes
Operating Characteristics		
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	Yes
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	Yes
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	Yes
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	Yes
Public Facilities		
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	Yes
	Sanitary sewer must have adequate capacity to serve development.	Yes
Utilities	Project must be served by utilities.	Yes
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	NA
Comprehensive Plan	Projects should be consistent with the City of Fremont's Comprehensive Development Plan.	Yes

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Request to replat Tax Lot 34 and Tax Lot 88, both within Section 10, Township 17 North, Range 8 East, City of Fremont, Dodge County, NE into a single lot.

---

**Recommendation:** Move to approve Resoluion.

---

**Request:** The applicant seeks approval of a replat that will combine Tax Lots 34 & 88 into a single lot. Said replat is located on West 23<sup>rd</sup> Avenue between North Colorado Avenue and Seaton Avenue.

**Background:** The replat is being requested by the existing owner of both properties described above with the intent to combine the two lots into a single lot.

The 2 lots are within a LI Limited Industrial Zoning District and are surrounded by R-2 Moderate Density Residential Zoning to the north, CC Community Commercial Zoning to the east and LI Limited Industrial Zoning to the west and south.

The Planning Commission approved this re-plat on June 16, 2014.

**Findings:** The proposed replat will be in compliance with the requirements of the LI Limited Industrial Zoning District and the Future Land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.



RESOLUTION NO. \_\_\_\_\_

**A Resolution of the City Council of the City of Fremont, Nebraska, approving the request to replat part of Tax Lot 34 and Tax Lot 88, Section 10, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska into one lot.**

RESOLVED: That Bo Borisow, owner of part of Section 10, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, desires to replat said property into the following single lot:

A parcel of land located in Section 10, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

Beginning at the southeast corner of Tax Lot 34, Dodge County, Nebraska; thence N89°55'45"W along the south line of said Tax Lot 34 a distance of 140.03 feet to the southwest corner of said Tax Lot 34; thence N00°04'23"W along the west line of said Tax Lot 34 and Tax Lot 88, Dodge County, Nebraska a distance of 417.12 feet; then to the northwest corner of said Tax Lot 88; thence S89°56'57"E along the north line of said Tax Lot 88 a distance of 139.95 feet to the northeast corner of said Tax Lot 88; thence S00°05'03"E along the east line of said Tax Lot 88 and said Tax Lot 34 a distance of 417.17 feet to the point of beginning.

The re-plat of the property is hereby approved subject to:

1. Receipt of proper easements
2. Capping of any necessary utility services

and the Mayor and City Clerk are hereby directed to sign this Resolution on behalf of the City Council.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

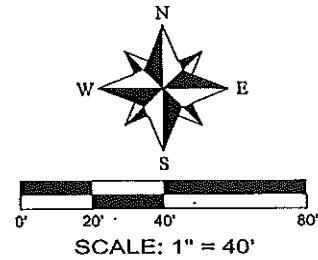
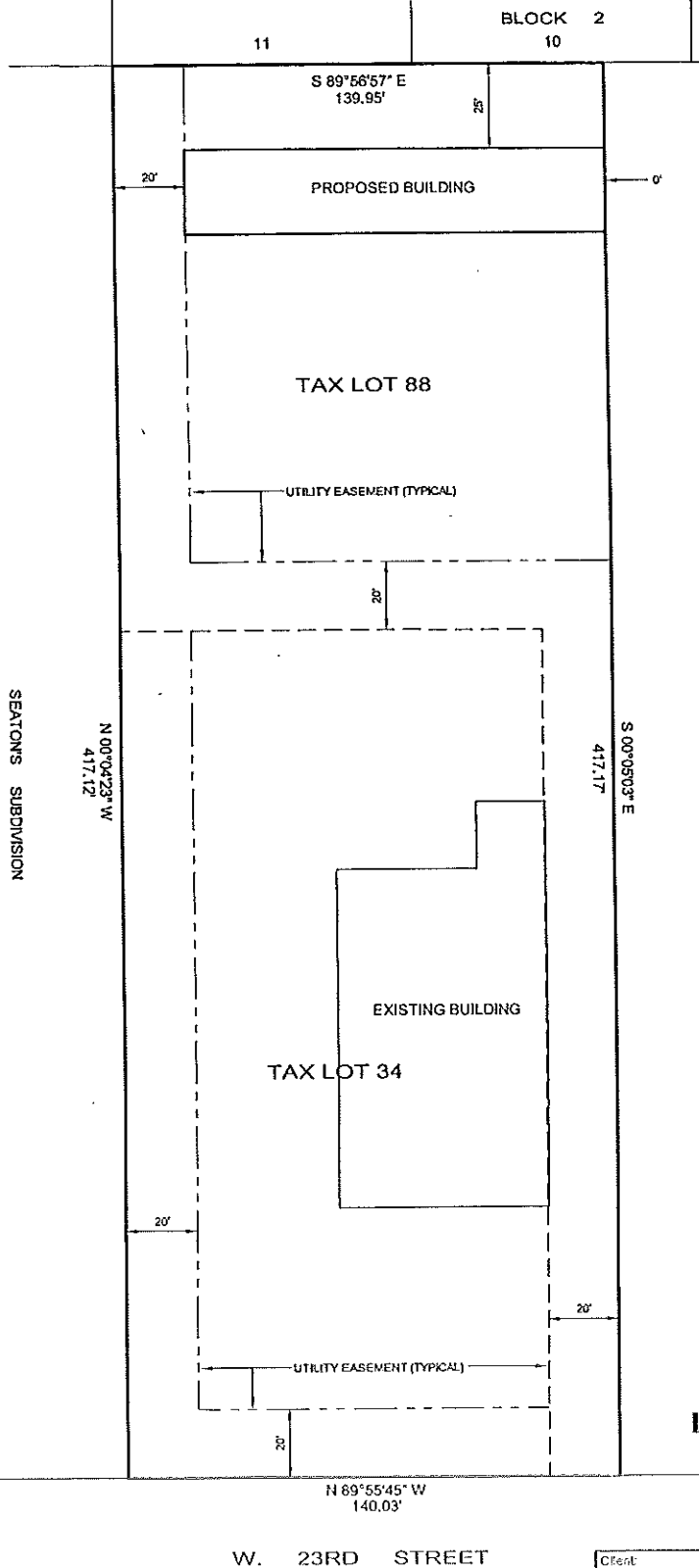
\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

# PROPOSED SITE PLAN

TAX LOTS 34 & 88, SECTION 10 - T17N - R8E  
CITY OF FREMONT, DODGE COUNTY, NEBRASKA



**APEX**  
**LAND SURVEYING, LLC**  
Danny Martinez, RLS  
125 N. Clamar Ave.  
Fremont, Nebraska 68025  
(402) 720-9339 Office / Mobile  
danm.surveying@gmail.com

Client: All-Stor Self Storage, LLC	
Date: 05/06/14	Project No.: AllStor-TL34TL88-101708-DodgeCo
Scale: 1" = 40'	Drawing File: AllStor-TL34TL88-101708-DodgeCo.dwg
Sheet: 1 of 1	Issue No: 1

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer

**DATE:** June 16, 2014

**SUBJECT:** Annexation of property located in SW corner of NW ¼ 19-17-9 (1st Street)

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Recommendation: Hold third reading of Ordinance and pass

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**Background:** The City of Fremont requests the annexation of property located in the SW corner of the NW ¼ of Section 19, Township 17 North, Range 9 East, Dodge County, Nebraska. The tract is located to the north of the power plant and contains the right-of-way to be used for the 1<sup>st</sup> Street Extension project. The Nebraska Department of Roads has asked the City to annex the parcel.

**#22**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, ANNEXING THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 9 EAST OF THE 6TH P.M., DODGE COUNTY, NEBRASKA, AND, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA:

SECTION I. That the following described real estate, contiguous and adjacent to the City of Fremont, Nebraska, urban in character, will receive material benefits and advantages from annexation to said City, to-wit:

A TRACT OF LAND starting at the SW corner of the NW  $\frac{1}{4}$  of said Section 19, thence north a distance of 380 feet along the west line of said Section 19, thence west on a line parallel to the south line of said NW  $\frac{1}{4}$  to the centerline of said Section 19, thence south along said centerline a distance of 380 feet, thence east along the south line of said NW  $\frac{1}{4}$  to the Point of Beginning.

be and the same is hereby included within the boundaries and territory of the City of Fremont, Nebraska and shall be included within the corporate limits of said City and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of said City.

SECTION II. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC  
City Clerk



DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. Printed: 05/22/14

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIM VOLK, CITY CLERK/TREASURER

DATE: June 16, 2014

SUBJECT: Fremont Municipal Code various chapters

---

Recommendation: 1. Move to amend ordinance as presented and suspend rules and place on final reading; 2. hold final reading; 3. vote on Ordinance and pass

---

Background: Last meeting the City Council heard the first reading of an ordinance amending Chapter 3 of the Fremont Municipal Code that repealed language for the Park, Recreation and Cemetery department. The language for the Park, Recreation and Cemetery was moved to Chapter 12 in the continuing effort to update the Municipal Code.

State Statutes dictate that unless various sections of the Municipal Code are considered at one time, then the entire chapter of the code must be presented when amendments are being proposed. As I had various other sections in the Municipal Code that are fairly easy to update, I decided to present the following ordinance for consideration. It still updates Chapter 3, Departments but now it also deals with Chapters 5, Handicap Parking Permits, Parking Meters, and Snow Routes as well as Chapter 10, Alcoholic Beverages.

Handicap Parking Permits are handled by the Nebraska Department of Motor Vehicles. The City has no involvement in the issuance of these permits. The rules and regulations for obtaining a permit are dealt with in Nebraska State Statutes 18-1737 thru 18-1741.07.

With the adoption of the budget last September, the Council decided not to fund the Off Street Parking program. This is simply housekeeping by removing the language relating to parking meters.

Mark Vyhlidal, Superintendent of Public Services, has requested the snow routes to be updated. Additions to the route reflect new streets and will assist the Street Department with snow removal.

The Nebraska Liquor Control Commission regulates alcoholic consumption and licenses. Most of the language dealing with alcohol that was in the Municipal Code is State Statute and not unique to Fremont. The Sections of the Chapter that I have retained are unique to Fremont. We will still have to follow State Statutes relating to alcohol and these can be found in Chapter 53 RS Neb.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING VARIOUS CHAPTERS OF THE MUNICIPAL CODE OF THE CITY OF FREMONT, NEBRASKA, ORDINANCE NO. 3139; REPEALING PROVISIONS IN CONFLICT WITH SUCH AMENDMENTS; RETAINING NON-CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE OF SUCH AMENDMENTS; AND, PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FREMONT, NEBRASKA:

SECTION I. Sections 3-601 thru 3-606, Parks and Recreation Department, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. Chapter 12 reorganized).

SECTION II. Sections 3-801 thru 3-809, Municipal Cemetery, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. Chapter 12 reorganized).

SECTION III. Sections 5-424 thru 5-426, Handicap Parking Permits, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 18-1737 thru 18-1741.07 RS Neb).

SECTION IV. Sections 5-501 thru 5-512, Parking Meters, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed.

SECTION V. Section 5-1001 is hereby amended to read as follows:

§5-1001      Snow Emergency Routes: Designation      The following described streets are hereby declared to be snow emergency routes in the City of Fremont, Nebraska. The Mayor shall, at his discretion, place appropriate signs or other traffic control devices indicating the existence of such snow emergency routes. A designation of any street, avenue, road or highway or portion thereof as a snow emergency route shall in no way affect any previous designation of that street, avenue, road or highway for any other purposes. The snow emergency routes are as follows:

1. Broad Street – Cloverly Road to North City Limits
2. Bell Street – South City Limits to 23rd Street
3. 23rd Street – West Highway 30 Bypass to East City Limits
4. Military Avenue – Ridge Road to East City Limits
5. Somers Avenue – Military Avenue to North City Limits
6. Nye Avenue – Military Avenue to North City Limits
7. Main Street – Washington Street to 23rd Street
8. Clarkson Street – 1st Street to North City Limits
9. 30th Street – Clarkson Street to Broad Street
10. Lincoln Avenue – Cuming Street to North City Limits
11. Clarmar Avenue – Cuming Street to 23rd Street
12. 1st Street – Main Street to Johnson Road
13. 16th Street – Somers Avenue to Johnson Road
14. Diers Parkway – 16th Street to 23rd Street
15. Johnson Road – Morningside Road to 16<sup>th</sup> Street
16. Fremont Drive
17. 19th Street – Somers Avenue to Luther Road
18. Linden Avenue – Broad Street to Ridge Road
19. Ridge Road – Military Avenue to 16th Street

20. 16th Street – Ridge Road to West City Limits
21. Rademakers Way – County Road 20th Avenue to West 23rd Street
22. Colorado Avenue – 23rd Street to Iowa Street
23. “M” Street – Washington Street to Military Avenue
24. Iowa Street – Wyoming Avenue to Seaton Avenue
25. Seaton Avenue – 23rd Avenue North to Iowa Street
26. Ridge Road – Seaton Avenue to North City Limits
27. Nebraska Avenue – Iowa Street to Woods Drive
28. Wyoming Avenue – Ohio Street to Watson Street
29. Ohio Street – Wyoming Avenue to Palmer Drive
30. Palmer Drive – Ohio Street to Jones Drive
31. Nicklaus Way – Somers Avenue to Palmer Drive
32. Jones Drive – Palmer Drive to Nebraska Avenue
33. Cedar Street – 22nd Street to 23rd Street
34. Milton Road – 23rd Street to North City Limits
35. 23rd Avenue North – Hancock Street to East City Limits
36. 23rd Avenue South – Lincoln Avenue to Luther Road
37. Laverna Street – 23rd Street to North City Limits
38. Washington Street – “M” Street to Union Street
39. Luther Road – South City Limits to North City Limits
40. 12th Street – Luther Road to Bell Street
41. Union Street – 1st Street to Factory Street
42. Factory Street – Union Street to Platte Street
43. Platte Street – Factory Street to South City Limits
44. Morningside Road – West City Limits to East City Limits
45. Clarkson Street – Dodge to 1<sup>st</sup> Street
46. Main Street – Washington to Cloverly Road
47. Ohio Street – Seaton Avenue to Ridge Road
48. 32<sup>nd</sup> Street – C to Yager Road
49. 29<sup>th</sup> Street – Clarkson to Yager Road
50. Reynolds Road – Clarkson to 860 East 23<sup>rd</sup>
51. Yager Road – 23<sup>rd</sup> to north city limits
52. Diers Parkway – 23<sup>rd</sup> to north city limits
53. Lumber Drive – 23<sup>rd</sup> to 24<sup>th</sup> Street
54. Deer Crossing
55. Elk Lane
56. Bud Boulevard – Morningside to south city limits

SECTION VI. Sections 10-101 thru 10-114, Alcoholic Beverages, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 53-103.01 thru 53-103.43 RS Neb).

SECTION VII. Section 10-115 be amended to become Section 10-101 of the Fremont Municipal Code to read as follows:

§10-101 ALCOHOLIC BEVERAGES; SALES CONSTITUTE A BUSINESS.

Under the provisions of the Zoning Regulations of the City, the sale of alcoholic beverages shall be construed to be a business in and of itself, and no permit for the sale thereof shall be issued to any applicant except upon the written consent of the of the owners of lots and parts of lots.



SECTION VIII. Sections 10-116 thru 10-119, Alcoholic Beverages, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 53-147 thru 53-184 RS Neb).

SECTION IX. Section 10-120 be amended to become Section 10-102 of the Fremont Municipal Code to read as follows:

§10-102 ALCOHOLIC BEVERAGES; HOURS OF SALE.

(1) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City except during the hours provided herein.

(2) All alcoholic liquors and alcoholic beverages, including beer and wine may be sold either on-sale or off-sale from 6:00 A.M. to 1:00 A.M., Mondays through Saturdays, and from 12:00 Noon to 1:00 A.M. on Sundays, and, in addition thereto, on Sunday, December 24th and on Sunday December 31st beer and wine may be sold off sale from 8:00 A.M. to 12:00 Noon.

(3) No persons or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

SECTION X. Sections 10-121 thru 10-126, Alcoholic Beverages, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 53-102 thru 53-186.01 RS Neb).

SECTION XI. Section 10-127 be amended to become Section 10-103 of the Fremont Municipal Code to read as follows:

§10-103 ALCOHOLIC BEVERAGES; SIDEWALK CAFES.

The City Council may permit the public streets and sidewalks within the City limits to be occupied and used under a lease, license, or other permission by a person, business, or others for the sale of services or goods, and to permit the placement of nonpermanent sidewalk cafes, tables, chairs, benches, and other temporary improvements, including fencing or other enclosure from which such sales can be transacted on the public streets and sidewalks.

Any such uses, permits or improvements shall be subject to termination or removal upon thirty days notice from the City, without cause, in the sole discretion of the City Council.

SECTION XII. Section 10-128 be amended to become Section 10-104 of the Fremont Municipal Code to read as follows:

§10-104 ALCOHOLIC BEVERAGES; RETAIL LIQUOR LICENSE APPLICATION; REQUIREMENTS AND PROCEDURE.

Notice of a hearing held pursuant to Neb. Rev. Statute 53-134 shall be given to the applicant by the City Clerk and shall contain the date, time, and location of the hearing. Two (2) or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the Council that prejudice would result there from. Hearings will be informal and conducted by the Mayor. The intent is an inquiry into the facts, not an adversary action. The Council shall not be bound by the strict rules of evidence, and shall have full authority to control the procedures of the hearing including the admission or exclusion of testimony or other evidence. The Council may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals in the conduct of their affairs. The Mayor may limit testimony where it appears incompetent, irrelevant, or unduly repetitious.

The order of the proceeding is as follows:

1. Presentation of evidence, witnesses and arguments by applicant.
2. Cross-examination by the opposition to the applicant.
3. Presentation of evidence, witnesses and arguments by those in opposition to the applicant.
4. Cross-examination by the applicant.
5. Rebuttal evidence by both parties.
6. Summation by both parties.

In all cases, the burden of proof and persuasion shall be on the party filing the application. Any member of the Council may question any witness, call witnesses, or request information. All witnesses shall be sworn. A transcript may be requested by the applicant at the applicant's expense.

SECTION XIII. Section 10-129 be amended to become Section 10-105 of the Fremont Municipal Code to read as follows:

#### §10-105 ALCOHOLIC BEVERAGES; RETAIL LIQUOR LICENSING STANDARDS AND EVALUATION CRITERIA

The City Council shall consider the following standards and criteria in evaluation of retail liquor license applications for the purpose of formulating a recommendation for the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

1. The adequacy of existing law enforcement resources and services in the area and any recommendation made by the Police Department and/or other law enforcement agency.
2. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises and parking requirements.
3. Zoning restrictions.
4. The sanitation or sanitary conditions on or about the proposed licensed premises.
5. The existence of a citizen's protest and any other evidence in support of or opposition to the application.
6. That the type of business or activity proposed to be operated in conjunction with the proposed license is or will be consistent with the public interest.
7. That the nature of the neighborhood where the proposed premise is located is suitable and appli-

cable for placement of a liquor establishment.

8. That the type of business or activity proposed to be operated in conjunction with the proposed license is or will be consistent with the public interest.

9. That the applicant must ensure that every precaution has been taken to protect against the possibility of shoplifting of alcoholic beverages.

10. That the application is for a business, the sole purpose for which is the sale or dispensing of liquor, or the sale or dispensing of liquor is a substantial integral part of the business, and not just incidental thereto.

11. The quality and management ability of the applicant.

12. Assurances that the applicant will comply with State laws, liquor regulations and City ordinances and regulations.

13. Assurances that the application will provide an improvement to the neighborhood, a betterment to the City, and meets a true community need.

14. That the applicant is not prohibited from holding a license by virtue of section 53-125, Nebraska Reissue Revised Statutes.

15. That past performance of the applicant was satisfactory if the applicant previously held a liquor license.

16. Other information and data that may reasonably be considered pertinent to the issuance of the license.

The aforementioned licensing standards and criteria are not necessarily of equal value that can be computed in a mathematical formula. Rather, they are standards and criteria which can be weighed and cumulated positively and negatively. The burden of proof and persuasion shall be on the party filing the application. Moreover, the City Council shall give an affirmative recommendation to the Nebraska Liquor Control Commission only when the applicant has satisfactorily demonstrated that the issuance of the retail liquor is generally consistent with the preceding standards and criteria is in the best interest of the public.

SECTION XIV. Section 10-130, Alcoholic Beverages, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 53-124.12 RS Neb).

SECTION XV. Section 10-131 be amended to become Section 10-106 of the Fremont Municipal Code to read as follows:

§10-106 BOTTLE CLUBS; DEFINED.

A bottle club is hereby defined to mean any business or commercial operation, whether open to the public or where entrance is limited by any fee, cover charge, membership, or similar requirement to which patrons bring with them alcoholic liquor to be consumed or stored for consumption on the business premises and where such business or premises is not licensed to sell or dispense alcoholic beverages.

SECTION XVI. Section 10-132 be amended to become Section 10-107 of the Fremont Municipal Code to read as follows:

§10-107 BOTTLE CLUBS; PROHIBITED.

(1) It shall be unlawful for any person to knowingly or intentionally operate a bottle club.

(2) It shall be unlawful for any person to knowingly or intentionally allow or permit the operation of a bottle club on the premises owned by or under the direction and control of such person.

SECTION XVII. Section 10-601 be amended to become Section 10-108 of the Fremont Municipal Code to read as follows:

§10-108 OCCUPATION TAX; AMOUNTS

For the purpose of raising revenue, an occupation tax is hereby levied on alcoholic beverages. The occupation tax collected shall be in accordance with the Nebraska Liquor Control Commission laws.

SECTION XVIII. A new Section 10-109 be added to the Fremont Municipal Code as follows:

§10-109 SPECIAL DESIGNATED LICENSE; APPLICATION FEE

There shall be a (\$50) fifty dollar per day application fee for any Special Designated License when the applicant does not hold a class K (catering) liquor license from the Nebraska Liquor Control Commission.

SECTION XIX. Sections 10-602 thru 10-604, Occupation Tax, of the Municipal Code of Fremont, Nebraska, Ordinance No. 3139, is hereby repealed (Ref. 16-205 RS Neb).

SECTION XX. That the originals of all ordinances or parts of ordinances of the City of Fremont and sections of the Fremont Municipal Code amended herein, and all other ordinances in conflict herewith are hereby repealed.

SECTION XXI. That this ordinance shall be published in pamphlet form and shall take effect and be in force from and after its passage, approval and publication according to law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIMBERLY VOLK, CITY CLERK/TREASURER

DATE: JUNE 19, 2014

SUBJECT: BUSINESS IMPROVEMENT DISTRICT FOR DOWNTOWN

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**RECOMMENDATION:** Move to approve Resolution

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Background: The Downtown Improvement District (known as the DID) would like to establish a Business Improvement District for the downtown area. This is the first step that requires Council action to begin this process per State Statutes 19-4014 thru 19-4038. Approving the resolution establishes the boundaries of the Improvement District.

In December 2012, at the Council retreat, an overview of the Business Improvement District was given to the Council. The presentation from the retreat is included with the backup.

**#24**

RESOLUTION NO. \_\_\_\_\_

A Resolution of the City Council of the City of Fremont, Nebraska, establishing the boundaries of a business improvement district for the downtown area.

WHEREAS, Downtown property owners have recommended that the City of Fremont create a business improvement district; and

WHEREAS, Section 19-4021, R.R.S. 1942, indicates that the boundaries of a business improvement district shall be declared by the city council prior to or at the same time as the appointment of the business improvement board; and

WHEREAS, the outer boundaries of the potential Downtown Business Improvement District 2014 are described on the attached map, marked Exhibit "A"; and

NOW THEREFORE BE IT RESOLVED: By the Mayor and City Council that the property set out within the boundaries as the attached exhibit A be declared as future Downtown Business Improvement District 2014.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

EXHIBIT A  
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2014

Commencing at the southeast corner of Block 203, thence east on north boundary of First Street to the middle of Block 205, thence north in a continuous straight line through the middle of Block 205, 182, 175 and 152 to the north boundary of Block 145, thence east along the north boundary of Fifth Street to the middle of Block 146, thence, north and in a continuous straight line through the middle of Blocks 146, 121 and 116 to the south boundary of Eighth Street, thence west along the south boundary of Eighth Street to the middle of Block 110, thence south and in a continuous straight line through the middle of Blocks 110, 127, 140, 157, 170 and 187 to the north boundary of Second Street, thence east along the north boundary of Second Street to the southwest corner of Block 184, thence south to the north boundary of the Chicago and Northwestern Railway right-of-way which intersects the east boundary of Park Avenue thence south easterly along said right-of-way to the place where this right-of-way intersects First Street, thence along the north boundary of First Street in Block 203, to the place of beginning, all in Fremont, Dodge County, Nebraska, as platted and recorded, to the place of beginning.

# Business Improvement Districts

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A Primer



# Authority

- Neb. Statutes, Article 19, Section 19-4014 to 19-4038 authorize the creation of Business Improvement Districts
- All Second Class Cities and higher are authorized under this statute to establish Business Improvement Districts



# Examples (Nebraska)

- Benson Business Improvement District
- Downtown Lincoln Association
- Hastings Downtown Business Improvement District
- Grand Island
  - South Locust
  - Far South Locust





# Other Examples

- Waukesha, WI
- Shoreline, WI
- Great Falls, MT
- Downtown Denver
- Downtown Boulder



# Funding

- (1) a special assessment upon the property within a business improvement district in the city or
- (2) a general business license and occupation tax on businesses and users of space within a business improvement district





# Spending

- The acquisition, construction, maintenance, and operation of public offstreet parking facilities for the benefit of the district area;
- Improvement of any public place or facility in the district area, including landscaping, physical improvements for decoration or security purposes, and plantings;
- Construction or installation of pedestrian shopping malls or plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, bus stop shelters, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, fountains, skywalks, and pedestrian and vehicular overpasses and underpasses, and any useful or necessary public improvements;
- Leasing, acquiring, constructing, reconstructing, extending, maintaining, or repairing parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement, in the district area;
- Creation and implementation of a plan for improving the general architectural design of public areas in the district;

## Spending (cont'd.)

- The development of any public activities and promotion of public events, including the management and promotion and advocacy of retail trade activities or other promotional activities, in the district area;
- Maintenance, repair, and reconstruction of any improvements or facilities authorized by the Business Improvement District Act;
- Any other project or undertaking for the betterment of the public facilities in the district area, whether the project be capital or noncapital in nature;
- Enforcement of parking regulations and the provision of security within the district area; and
- Employing or contracting for personnel, including administrators for any improvement program under the act, and providing for any service as may be necessary or proper to carry out the purposes of the act.



# Leadership

- The mayor, with the approval of the city council, shall appoint a business improvement district board
  - property owners, residents, business operators, or users of space within the business area to be improved.
- The boundaries of the business area shall be declared by resolution of the city council at or prior to the time of the appointment of the board.
- The board shall make recommendations to the city council for the establishment of a plan or plans for improvements in the business area.
- The board may make recommendations to the city as to the use of any funds collected, and may administer such funds if so directed by the mayor and city council.
- The board shall consist of five or more members to serve such terms as the city council, by resolution, determines. The mayor, with the approval of the city council, shall fill any vacancy for the term vacated. A board member may serve more than one term. The board shall select from its members a chairperson and a secretary.

# Process

- Upon receiving the recommendation from the business improvement board, the city council, after receipt of recommendations from the planning commission if the city has a planning commission, may create one or more business improvement districts by adopting a resolution of intention to establish a district or districts. The resolution shall contain the following information:
  - A description of the boundaries of any proposed district;
  - The time and place of a hearing to be held by the city council to consider establishment of a district or districts;
  - The proposed public facilities and improvements to be made or maintained within any such district; and
  - The proposed or estimated costs for improvements and facilities within any district, and the method by which the revenue shall be raised. If a special assessment is proposed, the resolution also shall state the proposed method of assessment.
- The notice of intention shall recite that the method of raising revenue shall be fair and equitable. In the use of a general occupation tax, the tax shall be based primarily on the square footage of the owner's and user's place of business. In the use of a special assessment, the assessment shall be based upon the special benefit to the property within the district.



## Process (cont'd)

- A notice of hearing shall be given by
  - one publication of the resolution of intention in a newspaper of general circulation in the city and
  - mailing a complete copy of the resolution of intention to each owner of taxable property as shown on the latest tax rolls of the county treasurer for such county.
  - If an occupation tax is to be imposed, a copy of the resolution of intention shall also be mailed to each user of space in the proposed district.
  - Publication and mailing shall be completed at least ten days prior to the time of hearing.
- In the event that the city council has not acted to call a hearing to create a district, it shall do so when presented with a petition signed by the record owners of thirty percent of the assessable front footage in a business area or by the users of thirty percent of space in a business area.

## Process (cont'd)

- Whenever a hearing is held, the city council shall:
  - Hear all protests and receive evidence for or against the proposed action;
  - Rule upon all written protests received prior to the close of the hearing, which ruling shall be final; and
  - Continue the hearing from time to time as the city council may deem necessary.
- If a special assessment is to be used, proceedings shall terminate if written protest is made prior to the close of the hearing by the record owners of over fifty percent of the assessable units in the proposed district.
- If an occupation tax is to be used, proceedings shall terminate if protest is made by over fifty percent of the users of space in the proposed district.



## Process (cont'd)

- The period of life for each district must be articulated.
- If the city council decides to change the boundaries of the proposed district, the hearing shall be continued to a time at least fifteen days after such decision and the notice shall be given, showing the boundary amendments, but no new or additional resolution of intention shall be required.

# Council Actions

- The city council, following the hearing, may establish or reject any proposed district or districts. If the city council decides to establish any district, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:
  - The number, date, and title of the resolution of intention pursuant to which it was adopted;
  - The time and place the hearing was held concerning the formation of such district;
  - A statement that a business improvement district has been established;
  - The purposes of the district, and the public improvements and facilities to be included in such district;
  - The description of the boundaries of such district;
  - A statement that the businesses and professions in the area established by the ordinance shall be subject to the general business occupation tax or that the real property in the area will be subject to the special assessment authorized by statutes;
  - The proposed method of assessment to be imposed within the district or the initial rate of the occupation tax to be imposed; and
  - Any penalties to be imposed for failure to pay the tax or special assessment.

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: KIMBERLY VOLK, CITY CLERK/TREASURER

DATE: JUNE 19, 2014

SUBJECT: BUSINESS IMPROVEMENT DISTRICT BOARD

---

RECOMMENDATION: Move to approve Resolution

---

Background: The Downtown Improvement District (known as the DID) would like to establish a Business Improvement District for the downtown area. This is the second step that requires Council action to begin this process per State Statutes 19-4014 thru 19-4038. Approving the resolution establishes the Board of the Improvement District.

Per 19-4021 RS Neb.: *The mayor, with the approval of the city council, shall appoint a business improvement board consisting of property owners, residents, business operators, or users of space within the business area to be improved. The boundaries of the business area shall be declared by resolution of the city council at or prior to the time of the appointment of the board. The board shall make recommendations to the city council for the establishment of a plan or plans for improvements in the business area.*

**#25**

RESOLUTION NO. \_\_\_\_\_

A Resolution of the City Council of the City of Fremont, Nebraska, the City Attorney establishing the board members of the business improvement district for the downtown area.

WHEREAS, Downtown property owners have recommended that the City of Fremont create a business improvement district; and

WHEREAS, Section 19-4021, R.R.S. 1942, indicates that with the approval of the City Council, there shall be appointed a business improvement board consisting of property owners, residents, business operators, or users of space within the business area to be improved; and

WHEREAS, The board shall make recommendations to the City Council for the establishment of a plan or plans for improvements in the business area; and

WHEREAS, the Downtown Improvement District recommends the following names for the Business Improvement District.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF FREMONT, NEBRASKA, that the following individuals be initially appointed to serve on the business improvement board: Tom Coday, Howard Krasne, Bob Missel, Mark Guillatt, Jacob Herman, Cindy Bojanski.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Jean Kaup-Van Iperen, Office Services Associate

DATE: June 18, 2014

SUBJECT: Analysis of Impediments to Fair Housing Choice draft

---

Recommendation: Move to open 30 day comment period.

---

**Background:** In January 2014, the City of Fremont entered into a contract with ASK Development Solutions, Inc. of Southfield, MI to complete an Analysis of Impediments to Fair Housing (AI) to identify areas the City needs to address in regards to Fair Housing questions raised by HUD. Public meetings were held, key persons were interviewed as well as data and survey results analyzed in order to complete the draft copy of the AI.

This meeting will mark the opening of the 30 comment period regarding the AI. At the end of this period, comments will be taken into account and a final copy of the AI will be presented to the City.

**Fiscal Impact:** None.

**#26**



# **Analysis of Impediments To Fair Housing Choice**

City of Fremont, Nebraska

**June 2014**

**Prepared by ASK Development Solutions, Inc.**

**THIS DOCUMENT CAN BE PROVIDED IN ALTERNATIVE  
FORMAT IF REQUESTED**



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## I. INTRODUCTION

### Analysis of Impediments Background

The Analysis of Impediments to Fair Housing Choice (AI) is a U.S. Department of Housing and Urban Development (HUD) mandated review of impediments to fair housing choice in the public and private sector per federal regulatory requirements at 24 CFR 91.225(a)(1); 91.325(a)(1); and 91.425(a)(1)(I). Typically, the AI is required for jurisdictions receiving federal block grant funds such as the Community Development Block Grant (CDBG) directly from HUD (entitlement grantees). The City of Fremont is not an entitlement jurisdiction but rather receives CDBG funds from the State of Nebraska Comprehensive Revitalization Program as a subrecipient. The City's leadership desired to conduct the AI to determine the state of fair housing choice in the City. The basis of the AI is the federal Fair Housing Act and equivalent local laws.

### Fair Housing Laws

The Federal Fair Housing Act (FHA), passed in 1968 and amended in 1988, prohibits discrimination in housing on the basis of race, color, national origin, religion, gender, familial status, and disability (referred to as "protected classes"). The FHA covers most housing types including rental housing, home sales, mortgage and home improvement lending, and land use and zoning. Excluded from the Act are owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a real estate agent or broker, housing operated by organizations and private clubs that limit occupancy to members, and housing for older persons.

The State of Nebraska prohibits discrimination in housing on the basis of race, color, national origin, religion, sex, disability or familial status under the Nebraska Fair Housing Act (NFHA). NFHA covers residential property owners, property managers, realtors and multiple listing services. Unlawful housing practices generally include discrimination in the advertisement, acquisition (showing, negotiating for or transmitting offers for sale or rental), financing, or possession and enjoyment (terms, conditions, privileges) of residential property. The NFHA also contains provisions barring retaliation against anyone who has opposed any unlawful fair housing practice and participated in any enforcement proceedings. Based on research performed on HUD's website, the Nebraska Equal Opportunity Commission is certified by HUD as substantially equivalent agency

According to HUD, impediments to fair housing choice are any actions, omissions, or decisions:

1. *That are taken because of* someone's membership in one of the "protected classes and that restrict housing choices or the availability of housing.
2. *That has the effect of* restricting housing choices or the availability of housing choices on the basis of membership in the protected classes.

HUD states that the purposes of the AI are to:

- Serve as the substantive, logical basis for the fair housing planning;
- Provide essential and detailed information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and
- Assist in building public support for fair housing efforts within a City and beyond.

The AI involves:

- A review of the City's demographic, economic, and housing characteristics;
- A review of a City's laws, regulations, and policies, procedures and practices and how they affect the location, availability and accessibility of housing;
- Public education and outreach efforts, and a community fair housing survey;
- An assessment of conditions, both public and private, affecting fair housing choices for all protected classes; and
- Identifying any existing impediments or barriers to fair housing choice and to develop an action plan containing strategies to overcome the effects of any impediments identified in the AI.

### **Who Conducted the AI**

The City of Fremont's 2014 AI was conducted by ASK Development Solutions, Inc. (ASK), a consulting firm working on behalf of the City of Fremont.

### **Public Participation in the AI**

The City of Fremont AI conducted an inclusive community participation process that included input from City officials, residents, and key persons involved in housing and community development industry, and in particular, fair housing. The consultant developed fair housing surveys for residents, housing service providers, Realtors, and lending institutions. Website links to the four fair housing surveys were posted on the City's website and distributed via emails and flyers.

The surveys were used to gather information about respondents' experiences and perceptions of housing discrimination and their opinions on the fair housing laws and services. Surveys for residents were also provided in Spanish. ASK staff conducted interviews with key individuals from City staff, non-profits, HUD, and housing providers to collect additional information about fair housing practices and impediments in the City.

Public meetings were advertised on the March 12, 2014. The public meetings were conducted to solicit input on fair housing discrimination and impediments to fair housing from the City, various industry representatives and service providers, and the public stakeholders at large. Additional information was gathered via meeting, teleconference and email correspondence with nonprofit and advocacy groups. Staff of the City of Fremont Administration Department actively participated in development of the AI.

## **Planning and Research Methodology**

The consultant's methodology in conducting the 2014 Fremont AI was based on the recommended methodology in the *Fair Housing Planning Guide Vol. 1* (HUD Office of Fair Housing and Equal Opportunity); experience conducting AIs for other cities, and the desires of the City's leadership as follows:

Task 1 - Project Launch: Meeting with City staff to refine work tasks and project schedule, reporting relationships and develop contact list.

Task 2 - Community Data Review: Reviewed existing demographic, economic, employment and housing market information for the City using the 2010 U.S. Census; 2012 American Community Survey; data from the Home Mortgage Disclosure Act (HMDA).

Task 3 - Regulatory Review: Researched and collected information regarding Fremont's development regulations, planning and zoning fees, housing policies and programs that influence fair housing choice.

Task 4 - Compliance Data Review: Collected and analyzed all available data regarding compliance with local, state and federal Fair Housing Laws, including the Home Mortgage Disclosure Act (HMDA) and the Fair Housing Act and the Community Reinvestment Act (CRA). Consultant also analyzed reported HUD fair housing complaints from HUD, the State of Nebraska Equal Opportunity Commission, and legal cases in the City.

Task 5 – Inventory of Affordable, Accessible Housing: Prepared an inventory of all affordable and accessible housing, both owner and renter including location and distribution to determine the incidence of segregated housing.

Task 6 - Internet Surveys, Direct Surveys, and Personal Interviews: Beginning February 14, 2014, the consultant launched the online surveys available to all Fremont residents and industry stakeholders. Surveys were directly administered at meetings or through non-profit agencies and public meetings conducted by both City staff and the consultant to secure input.

Task 7 - Identification and Analysis of Impediments: The consultant then analyzed the findings to determine the existence of impediments to fair housing choice in the City. 2011 Fremont AI impediments, actions taken to address those impediments and the existing status of the impediments were reviewed.

### Task 8 – Recommendations and Action Planning

In consultation with City staff, the consultant developed a recommended list of recommendations and action matrix for addressing the identified impediments. These recommendations shall be used as a basis for fair housing planning and monitoring and record keeping.

## Summary of Previous 2011 Impediments

The following are impediments and recommendations identified in the 2011 AI:

1. Availability of affordable housing and cost of housing and utilities.
  - a. **Recommendation #1:** Plan and develop up to **645 new housing units**, by year end, **2016**, including up to **135 subsidized rental units** and **40 owner units for households of very-low- to moderate-income** including rental units for all income sector and household type and owner units for persons and families of moderate+ income level.
  - b. **Recommendation #2:** Work with and foster a relationship with organizations providing housing services to insure the *availability of affordable housing and address the increasing costs housing and utilities in Fremont*.
  - c. **Recommendation #3:** Target affordable housing development in areas of Fremont having the highest level of public and private sector services including the Downtown and established residential neighborhoods.
  - d. **Recommendation #4:** The City should require that all multifamily housing be ADA accessible, or have ADA compliant units including visitability features to allow all housing to meet the current or future needs of persons with a disability or be easily modified to meet such provisions.
  - e. **Recommendation #5:** Housing code enforcement activities should be supported by an inspection and licensing program for rental housing. All housing, both existing and new, both owner and rental, should require an occupancy permitting process.
  - f. **Recommendation #6:** Working with local and regional housing partners, the City should maximize efforts to secure all types of State and Federal funding sources for affordable housing improvements and developments in Fremont.
  - g. **Recommendation #7:** The City should create an initiative to utilize **tax increment financing** as local funding for community and economic development/redevelopment activities in established neighborhoods.
2. Excessive application fees/rental deposits & down payment/closing costs to purchase a home.
  - a. **Recommendation #1:** Create an Individual Development Accounts (IDA) Program with area lenders and financial institutions to educate residents about savings and financial stability.
  - b. **Recommendation #2:** Support efforts by the City to expand various rental and ownership affordable housing programs with local financial institutions and major employers to expand funding assistance.
  - c. **Recommendation #3:** Expand renter and homeowner education classes to be required components of local high schools, college and continuing education classes.
  - d. **Recommendation #4:** Work with major employers to establish programs to decrease down payments and closing costs by providing

- forgivable grants and/or low interest loan programs that employees can access.
- e. **Recommendation #5:** The City could consider amending City ordinances to establish a uniform cost for rental application fees.
3. Lack of resident knowledge and lack of a City process on how to file a fair housing complaint.
    - a. **Recommendation #1:** The City should provide information addressing how to file a fair housing complaint on their Web Site. In addition, all landlords, property managers and other non-profit housing and human services groups should be required to provide their tenants, customers or clients with a copy of a Fair Housing Complaint Form and all pertinent tenant and landlord rights information in all rental agreement packets.
    - b. **Recommendation #2:** City of Fremont should officially designate a person as the City's Fair Housing Officer. This person should serve as a "first point" of contact for anyone filing or considering filing a Fair Housing Complaint.
    - c. **Recommendation #3:** The provision of, or the increase in services and information geared at assisting non-English-speaking populations. This could include fair housing brochures printed in Spanish, bi-lingual landlords and translators employed at various City offices.

### Summary of Current 2014 Impediments

The following is a summary of the impediments that were identified through the 2014 AI and recommended actions that the City could take to address these:

- **Impediment #1:** Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes.  
**Action:** Expand strategies to increase the affordable housing stock.
- **Impediment #2:** Shortage of accessible housing units.  
**Action:** Encourage development to meet the housing needs of persons who are elderly and persons with disabilities.
- **Impediment #3:** Risk of inadequate planning to meet the needs of residents protected by the FHA.  
**Action:** Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.
- **Impediment #4:** The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.

**Action:** Review the zoning ordinance and revise the definition of family to ensure that unrelated persons who reside together are not discriminated against.

- **Impediment #5:** Group living facilities are not treated the same as single family residential homes and could deny housing opportunities for persons with disabilities.

**Action:** Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.

- **Impediment #6:** Discriminatory lending practices disproportionately impact census tracts with higher minority populations based on loan denial rates.

**Action:** The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are being made equitably.

- **Impediment #7:** The Rental Occupancy licensing provisions of Ordinance #5165 (Immigration Ordinance) discriminates against Hispanics in the rental market.

**Action:** The City should identify the impact that the Immigration Ordinance is having on minorities including illegal immigrants and work with community groups and partners to address and reduce negative consequences.

- **Impediment #8:** The Rental Occupancy licensing provisions of Ordinance #5165 adds an additional step to securing housing especially for members of the protected classes.

**Action:** Assess the impact of the Ordinance especially on members of the protected classes.

- **Impediment #9:** Lack of or inadequate fair housing education and enforcement in the rental community, as well as within the minority community.

**Action:** Continue fair housing education and outreach and expand opportunities for fair housing training.

## **AI Funding**

The City has not designated funding for fair housing education activities or services. The City allocated \$16,000 for the preparation of the 2014 AI.



## **II. COMMUNITY PROFILE**

### **Introduction**

The 2010 U.S. Census represents the most recent data from the U.S. Census, and that data is used for this report when possible and available. Some areas of data-gathering, however, requires use of the American Community Survey (ACS) which provides most informational items as the decennial Census, but not always at the lowest geographic levels. The ACS is an ongoing statistical survey that is annually conducted by the United States Census Bureau. The survey gathers information previously contained only in the long form of the decennial census.

The 2010 Census, American Community Survey, in addition to a variety of other highly regarded data sources were utilized for the preparation of this report, including Home Mortgage Disclosure Act (HMDA) data; Community Reinvestment Act (CRA) reports; official City of Fremont planning and reporting documents, and direct communication with local agencies. Overall, the data paint a revealing and fair portrait of the community and housing conditions therein.

The City of Fremont includes seven census tracts and 24 census block groups. Of those tracts, four census block groups meet the HUD definition of low to moderate income census areas. Maps 1 and 2 on the following pages show the Fremont census tract boundaries, and low to moderate income census areas as defined by HUD.

### **Population, Race, and Ethnicity**

The City of Fremont had a total population of 26,397 at the time of the 2010 Census. The 2000 Census reflects a population of 25,174. Fremont had a population increase over the ten year period of 1,223 persons from 2000 to 2010. According to the 2010 Census, the racial makeup of the community was a majority White (89.2%), but also included populations identifying themselves as Black or African American (0.7%), American Indian and Alaska Native (0.6%), Asian (0.6%), and other races, including two or more (1.6%). Nearly 12% of the Fremont population identified themselves as being of Latino or Hispanic ethnic origin. See table #1 on page 14 below.

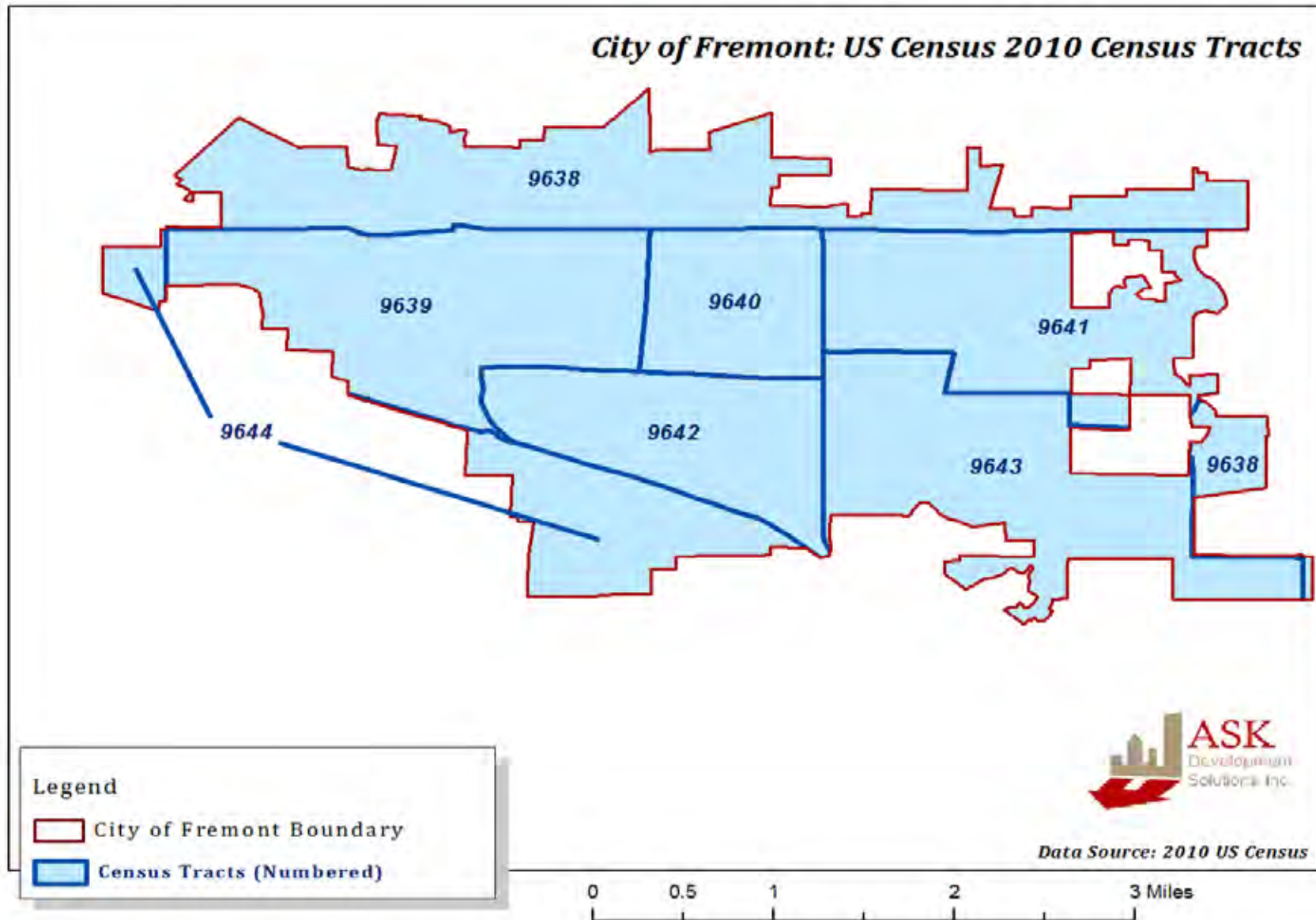
From the 2000 to 2010 Census counts, the Fremont Black or African American population increased by 0.1%; Asian population remained at 0.6%; American Indian and Alaska Native population grew by 0.3%; and Hispanic or Latino Ethnic Origin population grew by the largest overall percentage at 7.6%. Maps 3-4 show the distribution of Black/African Americans and the persons of Hispanic Ethnicity. Black/African Americans have the highest population concentrations in census tracts/block groups 9640:3 and 9642:3 and 4. The maps also show that persons

of Latino or Hispanic ethnicity have the highest population concentration in census tracts/block groups 9638:1, 9639:1, 9642:2, 9642:3, 9644:1, and 9644:2.

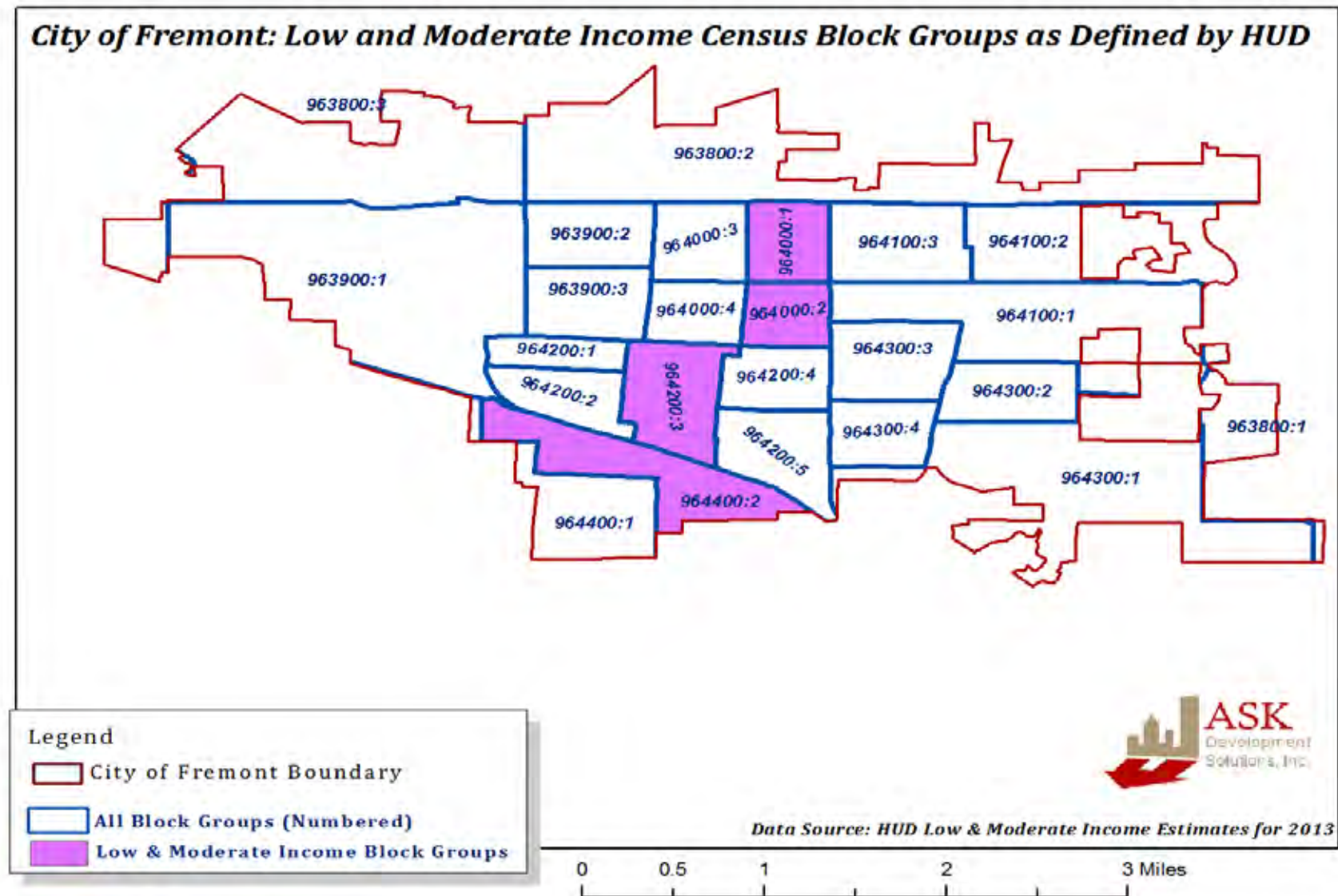
According to the 2012 American Community Survey (ACS), 92.9% of the people living in Fremont in 2012 were native residents of the United States. This is a decrease from the 2000 Census count of 97.0%. Ninety-two percent (92%) of 2012 ACS residents were living in the state in which they were born.

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Map 1- City of Fremont, NE 2010 Census Tracts



Map 2 - City of Fremont, NE Low- and Moderate Income Block Groups 2013



In 2012, 7.1% of the people living in Fremont were foreign born (defined by the ACS as those born outside of the United States). This represents a 4.1% increase since the 2000 Census count of 3.0%. Of the foreign born population, 38.6% were naturalized U.S. citizens in 2012, and 61.4% were not U.S. citizens. As noted in table #2 below, the mix of male and female population did not change significantly.

### City of Fremont, NE

**Population/Race/Ethnicity: 2000 and 2010 Census Changes** **Table 1**

	<b>2000 Population</b>	<b>% of Total 2000 Population</b>	<b>2010 Population</b>	<b>% of Total 2010 Population</b>	<b>2000 to 2010 Change</b>
<b>Total Population</b>	25,174	100%	26,397	100%	↑ 1,223
<b>Black or African American</b>	144	0.6%	172	0.7%	↑ 28
<b>Asian</b>	154	0.6%	163	0.6%	↑ 9
<b>American Indian and Alaska Native</b>	78	0.3%	153	0.6%	↑ 75
<b>White</b>	23,987	95.3%	23,538	89.2%	↓ 449
<b>Two or More Races</b>	207	0.8%	415	1.6%	↑ 208
<b>Hispanic or Latino Origin</b>	1,085	4.3%	3,149	11.9%	↑ 2,064

Source: 2000 and 2010 U.S. Census

These overall demographic shifts especially in the increases in racial and ethnic minorities could result in housing discrimination among those groups. As such the City should proactively increase its fair housing education and outreach to ensure that persons within these protected classes and all City residents are aware of rights and responsibilities under the federal and State's Fair Housing Acts.

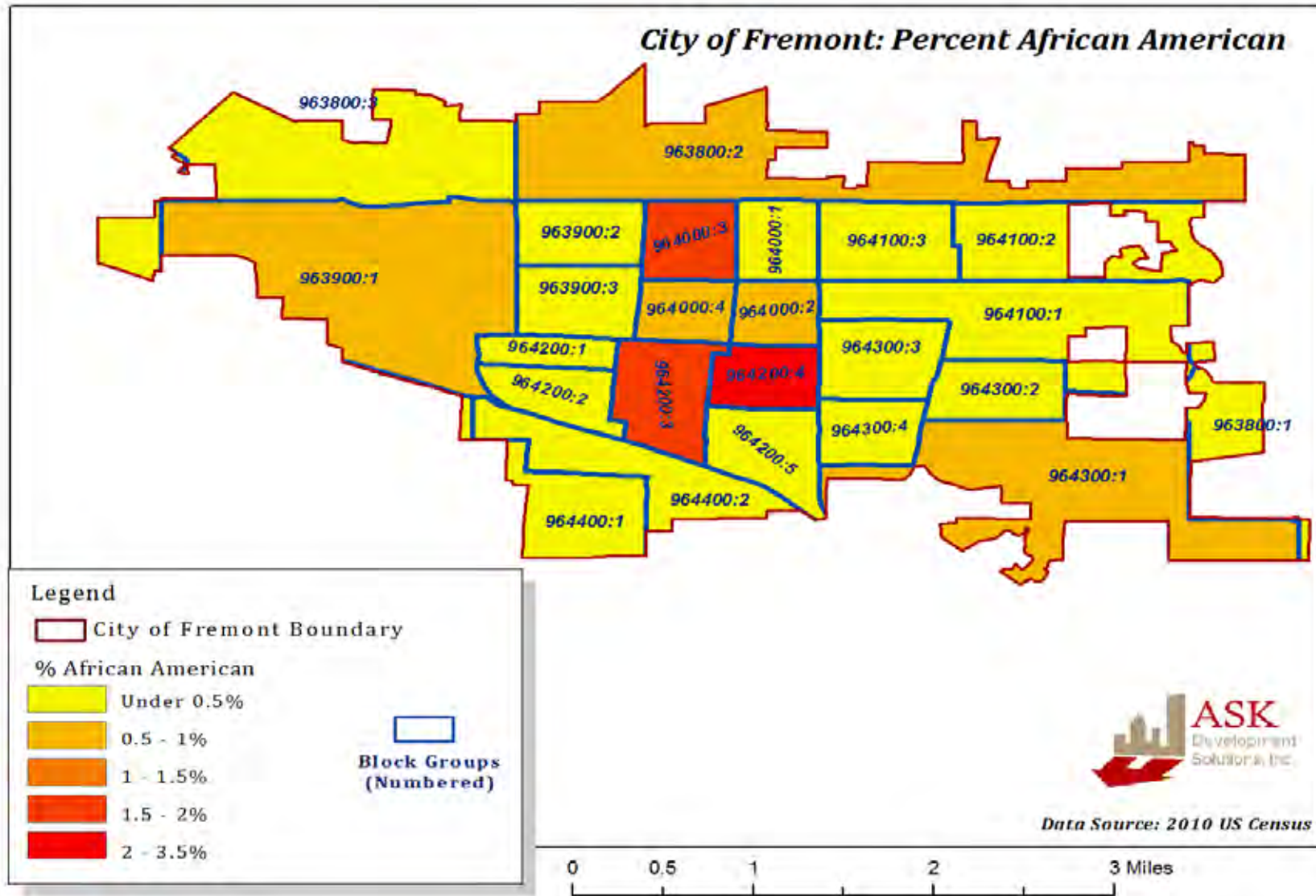
### City of Fremont, NE

**Gender: 2000 and 2010 Census Count Changes** **Table 2**

	<b>2000 Population</b>	<b>% of Total 2000 Population</b>	<b>2010 Population</b>	<b>% of Total 2010 Population</b>	<b>2000 to 2010 Change</b>
<b>Male</b>	11,977	47.6%	12,790	48.5%	↑ 813
<b>Female</b>	13,197	52.4%	13,607	51.5%	↑ 410

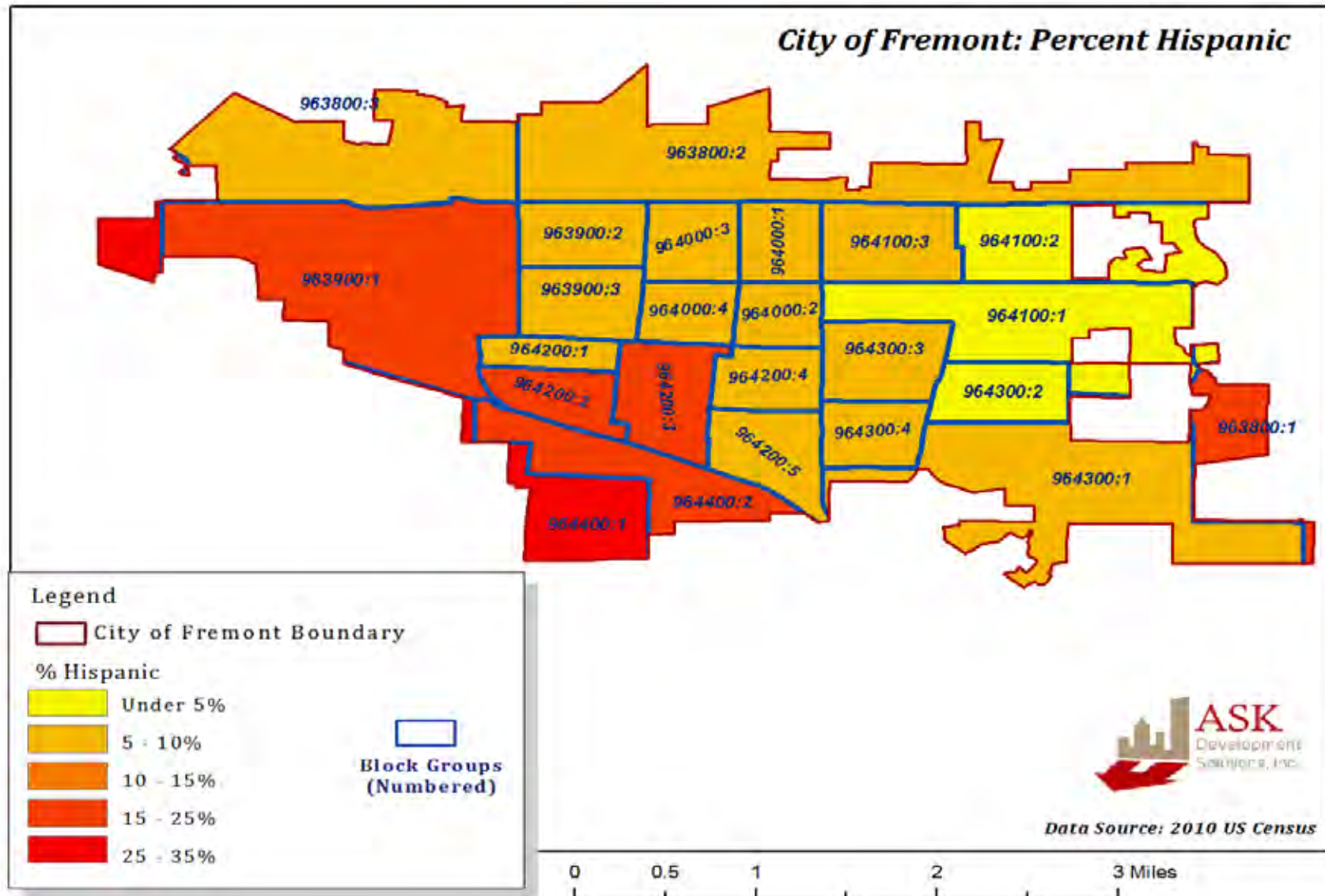
Source: 2000 and 2010 U.S.

Map 3 - City of Fremont, NE Percent Black/African American 2010





Map 4 - City of Fremont, NE Percent Hispanic 2010

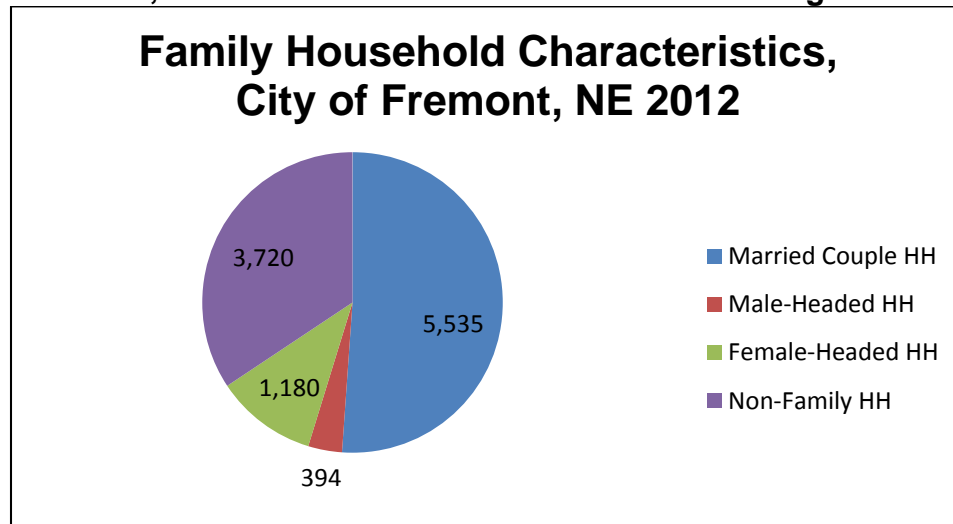


## Household Characteristics

Since the 2000 Census, average household size in Fremont has decreased slightly from 2.38 persons per household (2000 Census) to 2.35 persons per household (2012 ACS). According to the 2012 ACS, among the 10,829 Fremont households, family households represented 65.6% (7,109) of all households, including: 5,535 (51.1%) married couple family households; 394 (3.6%) male-headed households; and 1,180 (10.9%) female-headed households. Non-family households comprised a significant amount at 34.4% (3,720) of all households.

City of Fremont, NE Household Characteristics

Figure 1



Source: U.S. Census Bureau, 2012 American Community Survey

According to the 2012 ACS, there were 10,829 total households in the City of Fremont. Of all households, 65.6% are family households (households with family members related through birth, marriage, or adoption), and 34.4% are non-family households. The ACS provides the following categories of household types.

City of Fremont, NE Households by Type 2012 ACS data

Table 3

Households	10,829	100%
Family households	7,109	56.9%
With own children under 18 years	3,300	30.5%
Married-couple family	5,535	51.1%
With own children under 18 years	2,288	21.1%
Female householder, no husband present, family	1,180	10.9%
With own children under 18 years	729	6.7%
Non-family households	3,720	34.4%

Source: U.S. Census Bureau, 2012 American Community Survey



Among persons 15 and older, 60.2% of the population was married. The ACS provides the following information on marital status.

### City of Fremont, NE

#### Marital Status 2012 ACS data

Table 4

Population 15 years and over	Persons	Percentage
<b>Total</b>	<b>9,900</b>	<b>100%</b>
Never married	2,787	28.2%
Now married, except separated	5,959	60.2%
Separated	71	0.7%
Widowed	275	2.8%
Divorced	808	8.2%

Source: U.S. Census Bureau, 2012 American Community Survey

## Income, Education, and Employment

### Income Characteristics

The City of Fremont is located in the Dodge County, Nebraska HUD Fair Market Rent (FMR) Area. HUD's 2012 Income Limits for the Dodge County, Nebraska HUD FMR Area defined Extremely Low (30%) Income Limits as those earning no more than \$17,650; Very Low Income (50%) Income Limits as those earning no more than \$29,450; and Low Income (80%) Income Limits as those earning no more than \$47,100. All figures are based on a household size of four (4) and a 2012 Area Median Income of \$58,900 for Dodge County. Although Income Limits were available from HUD for other years, 2012 data was used for comparison with 2012 American Community Survey data.

### FY 2012 Income Limits Summary

#### Dodge County, Nebraska HUD FMR Area

Table 5

FY 2012 Income Limit Category	1 Person Household	2 Person HH	3 Person HH	4 Person HH	5 Person HH	6 Person HH	7 Person HH	8 Person HH
Extremely Low (30%) Income Limits	\$12,400	\$14,150	\$15,900	<b>\$17,650</b>	\$19,100	\$20,500	\$21,900	\$23,300
Very Low (50%) Income Limits	\$20,650	\$23,600	\$26,550	<b>\$29,450</b>	\$31,650	\$34,200	\$36,550	\$38,900
Low (80%) Income Limits	\$33,000	\$37,700	\$42,400	<b>\$47,100</b>	\$50,900	\$54,650	\$58,450	\$62,200

Source: U.S. Department of Housing and Urban Development (HUD)

According to the 2012 HUD Income Limits Summary, the median household income in Dodge County was \$58,900. Within just the city limits of Fremont, however, there was a lower median household income of \$43,271 (2012 ACS). In 2000, the City of Fremont median household income was \$36,700 (2000 U.S. Census).

The 2012 ACS further illustrates that of the total 10,829 households in Fremont, 20.2% (92,001) earned less than \$25,000 annually, with another 27.5% (125,127) having earned between \$25,000 and \$50,000. For the middle and upper income brackets in 2011, 16.8% (76,422) earned between \$50,000 and \$75,000; 7.9% (35,867) earned between \$75,000 and \$100,000; and 16.8% (76,190) having earned \$100,000 and up.

**City of Fremont, NE Household Income Levels**

**Table 6**

<b>INCOME LEVEL</b>	<b># OF HOUSEHOLDS</b>	<b>% OF HOUSEHOLDS</b>
<b>Less than \$10,000</b>	617	5.7%
<b>\$10,000 to \$14,999</b>	752	6.9%
<b>\$15,000 to \$24,999</b>	1,403	13.0%
<b>\$25,000 to \$34,999</b>	1,530	14.1%
<b>\$35,000 to \$49,999</b>	1,803	16.6%
<b>\$50,000 to \$74,999</b>	2,369	21.9%
<b>\$75,000 to \$99,999</b>	1,213	11.2%
<b>\$100,000 to \$149,99</b>	888	8.2%
<b>\$150,000 to \$199,999</b>	209	1.9%
<b>\$200,000 or more</b>	45	0.4%

Source: U.S. Census Bureau, 2012 American Community Survey

Per the 2012 American Community Survey, 15.6% of the Fremont population subsists below the poverty level. This reflects an increase from 2000, when 8.8% of the population was below poverty level. In 2012, people ages 65 years and over had experienced an overall lower rate of poverty at 9.4%. Families also experienced an overall lower rate of poverty in 2012 at 11.1%, and married couple families had a significantly lower rate of living below poverty level at 5.9%. Female-headed households experienced poverty at the greatest rate of all groups: 31.9% of female households with no husband present; 43.6% of female households with related children less than 18 years old; and 70.7% of female households with related children less than 5 years old only. This measurement is particularly stark when compared to their incidence in the total population (female headed households with children make up 10.9% of all Fremont households).

Of the 10,829 estimated Fremont households in 2012, approximately 31.5% received Social Security income; 3.3% received Supplemental Security Income; 1.9% received cash public assistance income; 15.7% received retirement income; and 9.6% received Food Stamp/SNAP benefits.

**People Living Below the Poverty Level  
2012, Fremont, Nebraska**

**Table 7**

<b>All People</b>	<b>15.6%</b>
<b>Under 18 Years</b>	<b>25.8%</b>
<b>Related Children Under 18 Years</b>	<b>25.8%</b>
<b>Related Children Under 5 Years</b>	<b>32.7%</b>
<b>Related Children 5 to 17 Years</b>	<b>22.8%</b>
<b>18 Years and Over</b>	<b>12.3%</b>
<b>18 to 64 Years</b>	<b>13.1%</b>
<b>65 Years and Over</b>	<b>9.4%</b>
<b>People in Families</b>	<b>13.7%</b>
<b>Unrelated Individuals 15 Years and Over</b>	<b>23.1%</b>

Source: U.S. Census Bureau, 2012 American Community Survey

**Families Living Below the Poverty Level  
2012, Fremont, Nebraska**

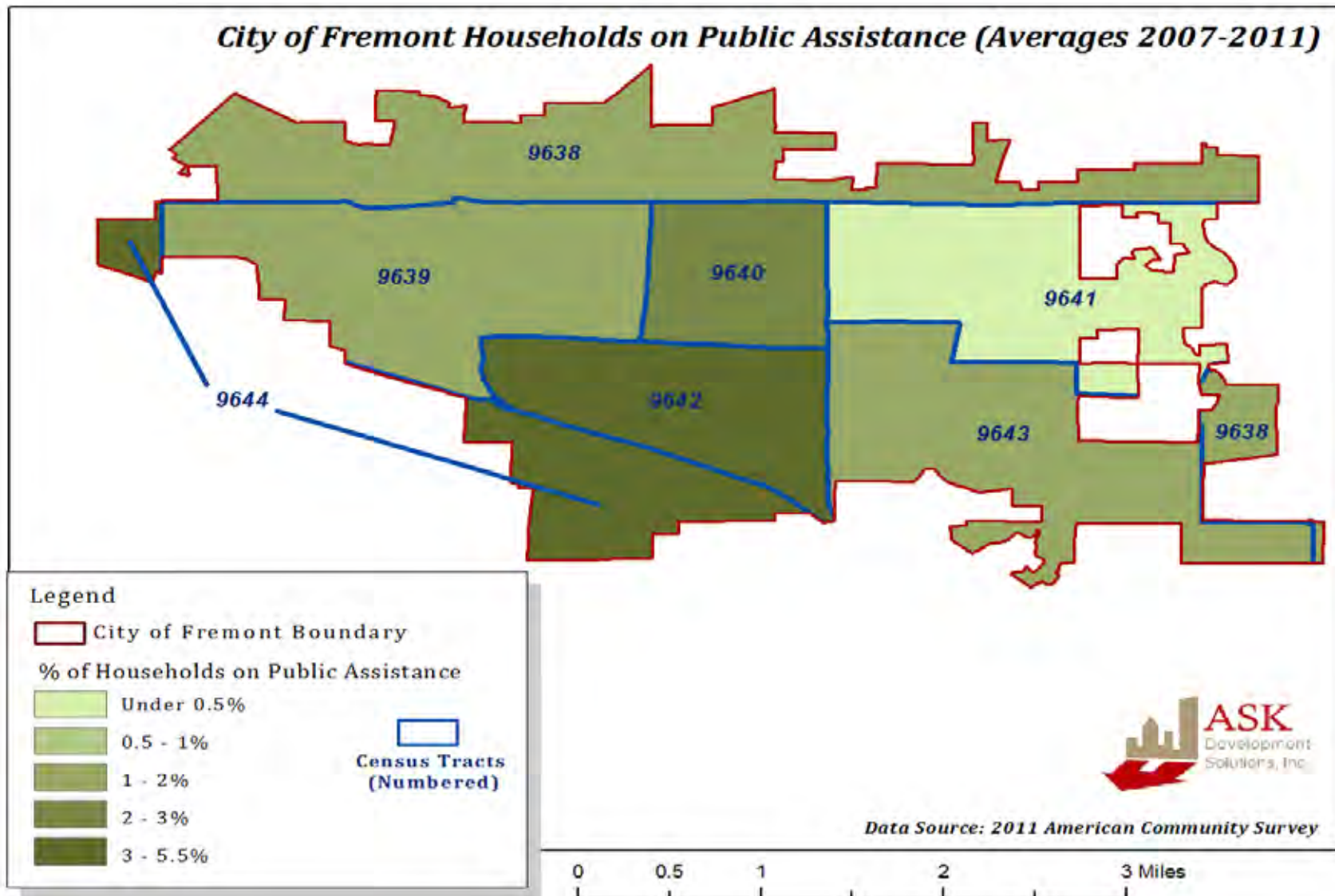
**Table 8**

<b>All Families</b>	<b>11.1%</b>
<b>With Related Children Under 18 Years</b>	<b>20.3%</b>
<b>With Related Children Under 5 Years Only</b>	<b>17.5%</b>
<b>Married Couple Families</b>	<b>5.9%</b>
<b>With Related Children Under 18 Years</b>	<b>10.6%</b>
<b>With Related Children Under 5 Years Only</b>	<b>4.2%</b>
<b>Families With Female Householder, No Husband Present</b>	<b>31.9%</b>
<b>With Related Children Under 18 Years</b>	<b>43.6%</b>
<b>With Related Children Under 5 Years Only</b>	<b>70.7%</b>

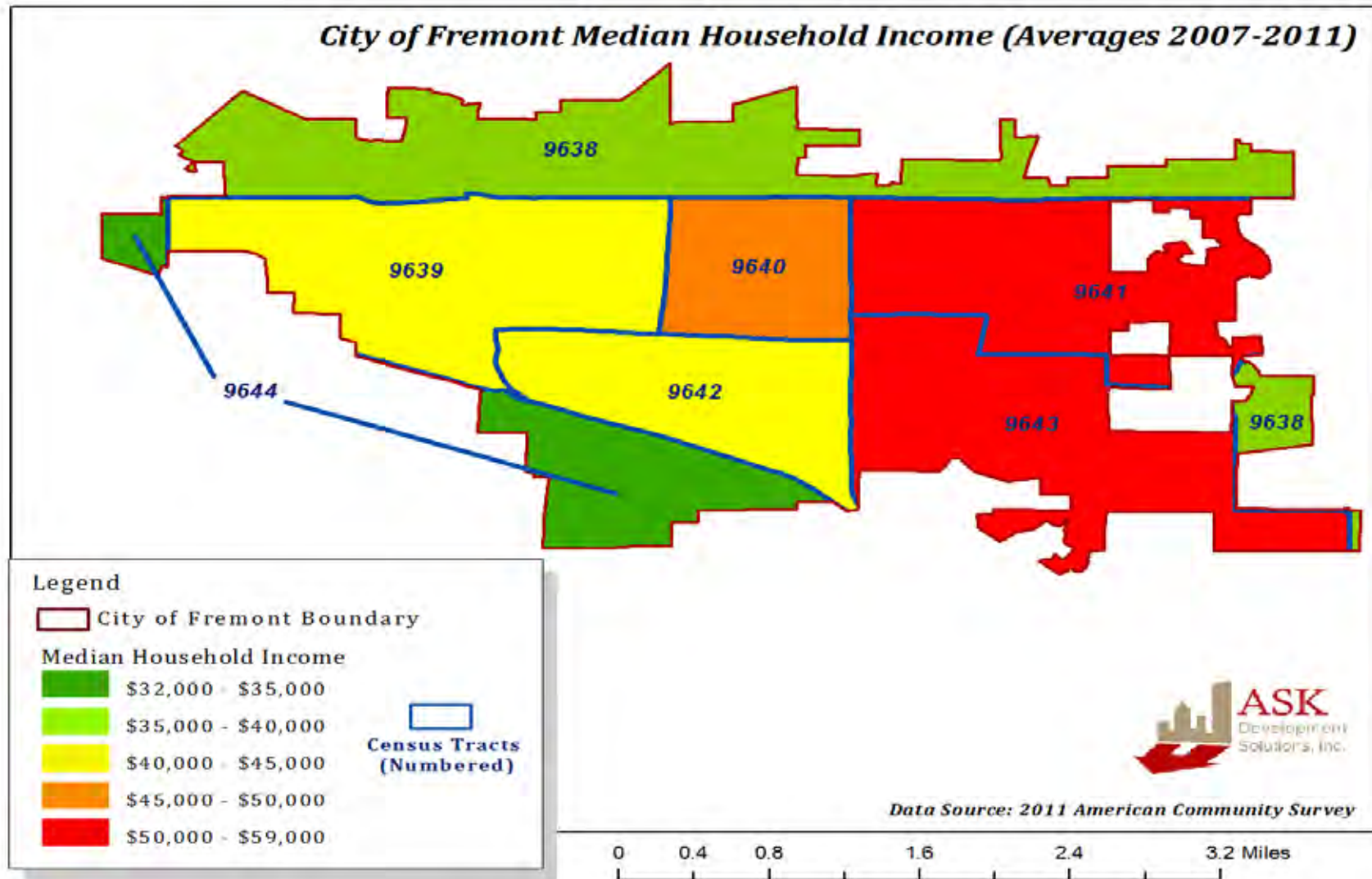
Source: U.S. Census Bureau, 2012 American Community Survey

Maps 5-7 below, show the distribution of families receiving public assistance, median household income distribution in the City, and the poverty rate. Map 5 demonstrate correlations with low- and moderate-income areas. Persons receiving financial assistance may receive benefits including food stamps from the Supplemental Nutrition Assistance Program (SNAP) and other forms of assistance such as rental assistance, free health care, and child care.

Map 5 - City of Fremont, NE Percentage of Households on Public Assistance 2011

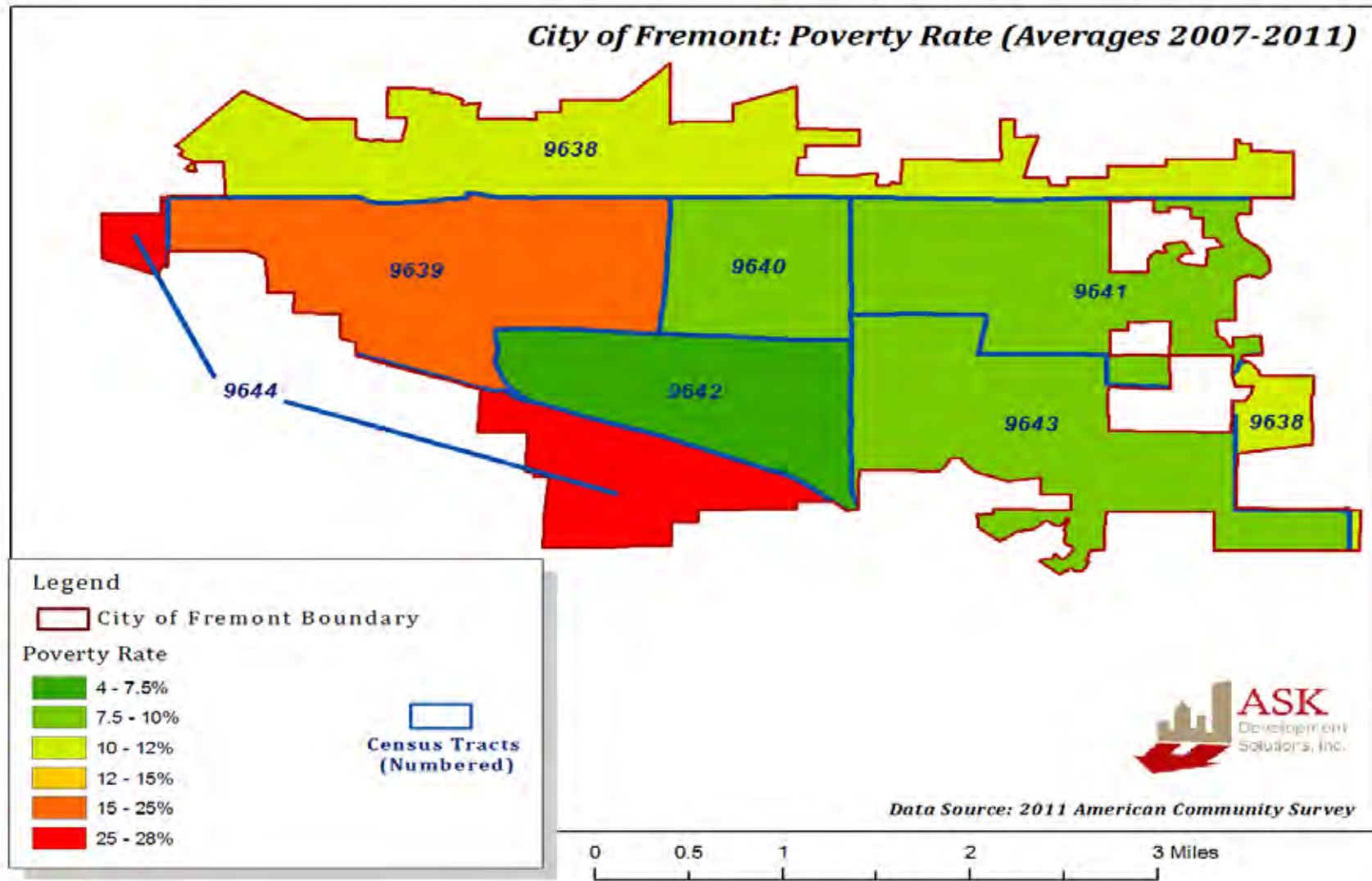


Map 6 - City of Fremont, NE Median Household Income 2011





Map 7 - City of Fremont, NE Poverty Rate 2011

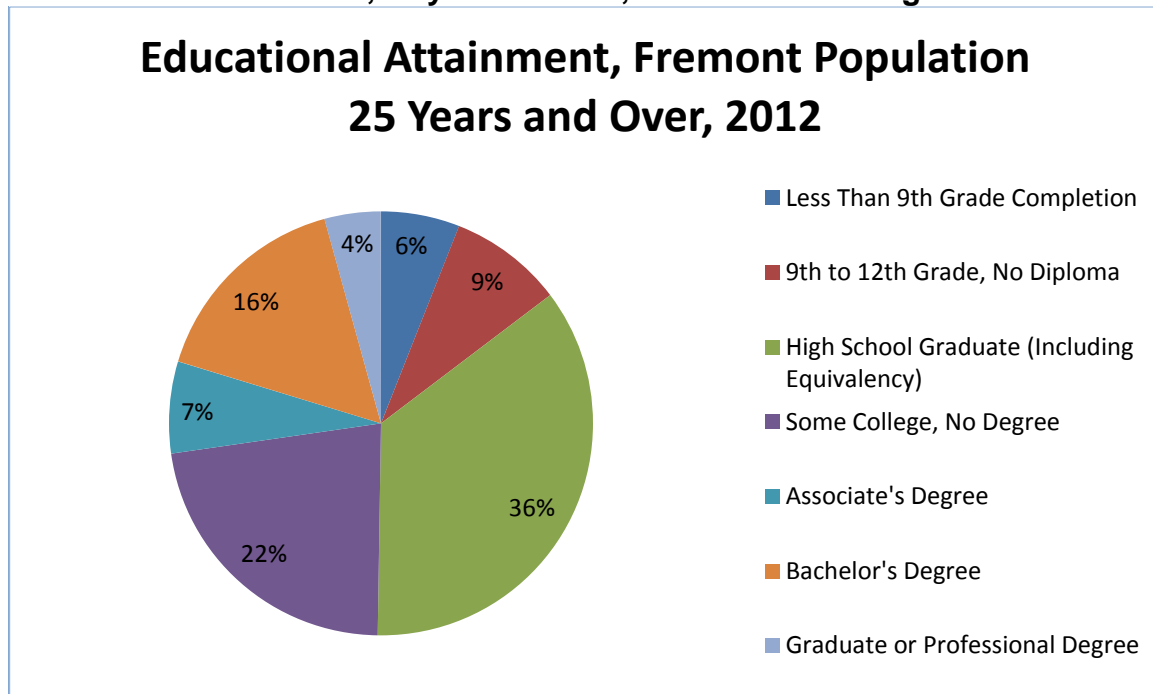


### Educational Attainment

Within the 2012 Fremont population of persons 25 years and over (American Community Survey), 35.6% of people had at least graduated from high school (including equivalency), 16.0% had a bachelor's degree, and 4.3% had a graduate or professional degree. Of the same population (25 years and older), 14.7% had less than a high school education diploma.

**Educational Attainment, City of Fremont, NE 2012**

**Figure 2**



Source: U.S. Census Bureau, 2012 American Community Survey

The total school enrollment for the population aged 3 years and over in Fremont was 6,363 in 2012 (ACS). School enrollment is broken down into the following categories: 6.6% in nursery school/preschool; 6.8% in kindergarten; 46.7% in elementary school (grades 1-8); 16.6% in high school; and 23.4% in college or graduate school.

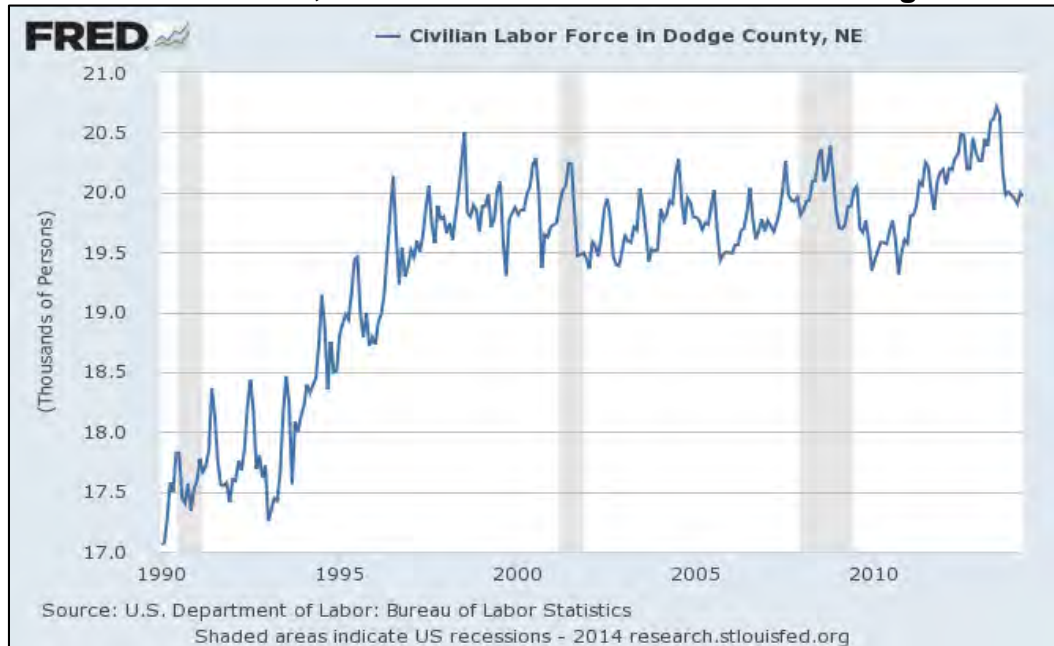
### Employment

As of 2012, the Fremont population aged 16 years and over numbered 20,461 persons, of which approximately 68.8% (14,067) was in the labor force and 63.3% (12,950) was employed. This reflects some change since 2000 when Fremont had 19,813 persons aged 16 and over. In 2000, 67.1% (13,291) of those persons was in the labor force and 64.7% (12,819) was employed.

The following figures give a larger view of the labor force changes within Dodge County, Nebraska, from 1990 to present.

### Dodge County, Nebraska Civilian Labor Force, 1990-Present

Figure 3

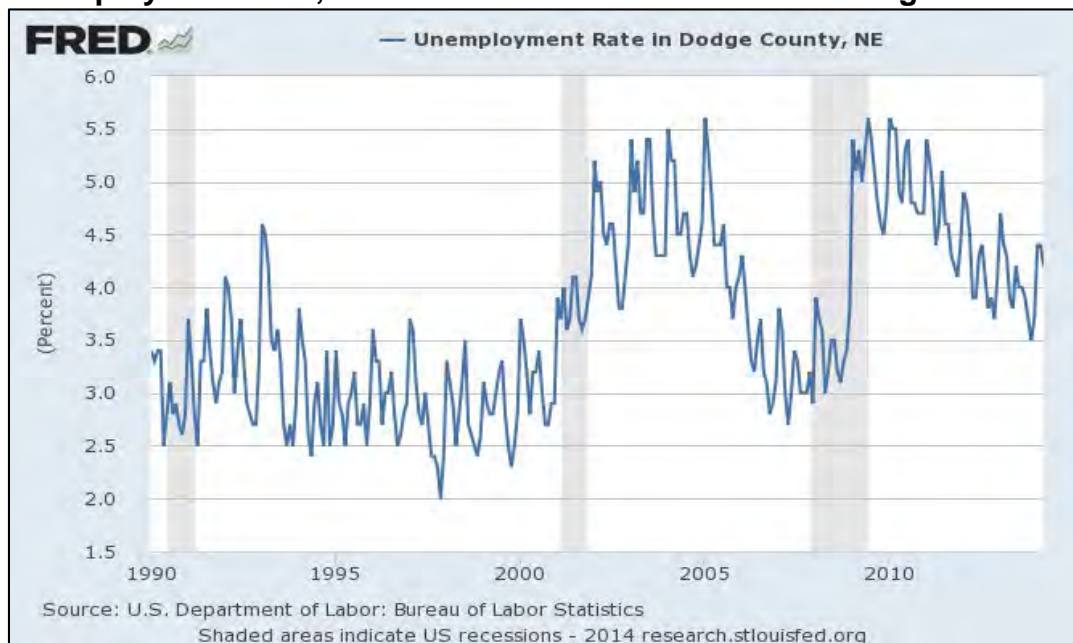


Source: Federal Reserve Bank of St. Louis, Missouri

The national economic downturn in recent years has affected the Fremont area, and unemployment in Fremont rose from 2.7% in April 2007 to 5.6% in January 2010. Further illustration of these regional trends can be found in the following figures.

### Dodge County, Nebraska Unemployment Rate, 1990-Present

Figure 4



Source: Federal Reserve Bank of St. Louis, Missouri



The City of Fremont has job opportunities in a fairly diversified economy, and the character of its population is reflected in the major industries of employment. According to the 2012 American Community Survey, the six top industries provide employment for almost three-quarters of the City's workforce:

Education, Healthcare, and Social Assistance_____	2,610 (20.2%)
Manufacturing_____	2,304 (17.8%)
Retail Trade_____	1,638 (12.6%)
Construction_____	1,008 (7.8%)
Finance, Insurance, Real Estate, Rental and Leasing__	902 (7.0%)
Arts, Entertainment, and Recreation_____	903 (7.0%)

Fremont has an economic base that provides employment opportunities not only for the residents of Fremont, but also for commuters from the surrounding communities with major employers in the areas of agribusiness, food processing, fabricated metal processing and electronics manufacturing. Due to its position at the crossroads of major highway links to reach downtown Omaha and Lincoln metropolitan areas in less than an hour, Fremont residents have access to many employment opportunities. The following table lists the major employers within Fremont, and those within close proximity of the Fremont city limits.

**Fremont Area Major Employers, 2013**

**Table 9**

<b>Company Name</b>	<b>Employment Total</b>	<b>Products or Services</b>
Valmont Industries (Valley, NE)	1,540	Agricultural Equipment
Hormel Foods, Inc.	1,400	Food Processing
Fremont Area Medical Center/ AJ Merrick Manor	871	Healthcare
Fremont Public Schools	620	Education
Nye Senior Services	600	Assisted Living/Nursing Home/Rehabilitation
Wal-Mart Stores, Inc.	380	Retail Store
Fremont Contract Carriers, Inc.	354	Truckload Service
Smeal Fire Apparatus Company (Snyder, NE)	350	Fire Trucks
YMCA	350	Recreation/Fitness
Hy-Vee Food Stores, Inc.	286	Food Services
Fremont Beef Company	283	Meat Processing
Midland University	200	Education
Oilgear	156	Manufacturing
Department of Health and Human Services	150	Social Services
Natura Pet Food	142	Pet Food Manufacturing
Fremont Department of Utilities	136	Utilities
City of Fremont	131	City Government
ENCOR	130	Services for the Disabled

Company Name	Employment Total	Products or Services
Menards	125	Building Supplies
Christensen Lumber, Inc.	101	Building Supplies
Food 4 Less	100	Food Services
Sav-RX	100	Pharmaceuticals
Oriental Trading Company	95	Mail Order/Catalog Sales
First National Bank Fremont	90	Financial Services
Overland Products Co., Inc.	80	Manufacturing
Structural Component Systems	75	Building Supplies
Provimi North America, Inc.	72	Animal Nutrition
Fremont Tribune	66	Publishing
Jayhawk Boxes	66	Corrugated Goods
Rosenbauer Aerials, LLC	65	Aerial Ladders for Fire Trucks
Southwark Metal Manufacturing Co.	60	Sheet Metal Fabrication
First State Bank	55	Banking & Finance

Source: Greater Fremont Development Council

## Transportation and Commuting

### Transportation

Fremont Transit Lines (FTL) is operated by the City of Fremont and provides transportation services for the benefit of the general public within the corporate limits of Fremont. The City of Fremont, with assistance from Federal and State sources, funds the FTL to provide a fixed-route system that services the needs of the elderly, disabled and general public. Presently, two routes, both of which originate from 6th & Main Streets, are included in the fixed-route system. Deviations are made from these routes by special arrangements. The service area includes the area within the corporate limits of Fremont and the contiguous Village of Inglewood. Presently, the east route operates from 8:45 a.m. to approximately 4:30 p.m. and the west route operates from 10:15 a.m. to approximately 2:50 p.m. Both routes operate Monday through Saturday, except for legal holidays. The current (2011) fare structure is as follows:

- Seniors (60+ years) \$0.75
- Disabled \$0.75
- Riders (ages 6-59) \$1.50
- Riders (ages 5 and under) Free

The City will be discontinuing the FTL service on June 30, 2014 due to low ridership. According to the May 2012 Long-Range Transportation Plan for Fremont, FTL maintains a fleet of two vans, both of which are lift-equipped to accommodate riders with special needs. Each van has the capacity to carry 12 passengers with additional space for up to two passengers in a wheelchair. The 2010-2011 operating budget for FTL was approximately \$89,000. During the last three years, transit ridership averaged slightly more than 2,900 riders per year.

Marketing and promotion of Fremont Transit Lines includes the dissemination of bus schedules to various local organizations. Schedules are also posted at Fremont Towers, Arbor Manor, HyVee, Fremont Friendship Center, Salvation Army, Nye Point Health & Rehab Center, Fremont Area Medical Center, Keene Memorial Library and the City of Fremont Municipal Building.

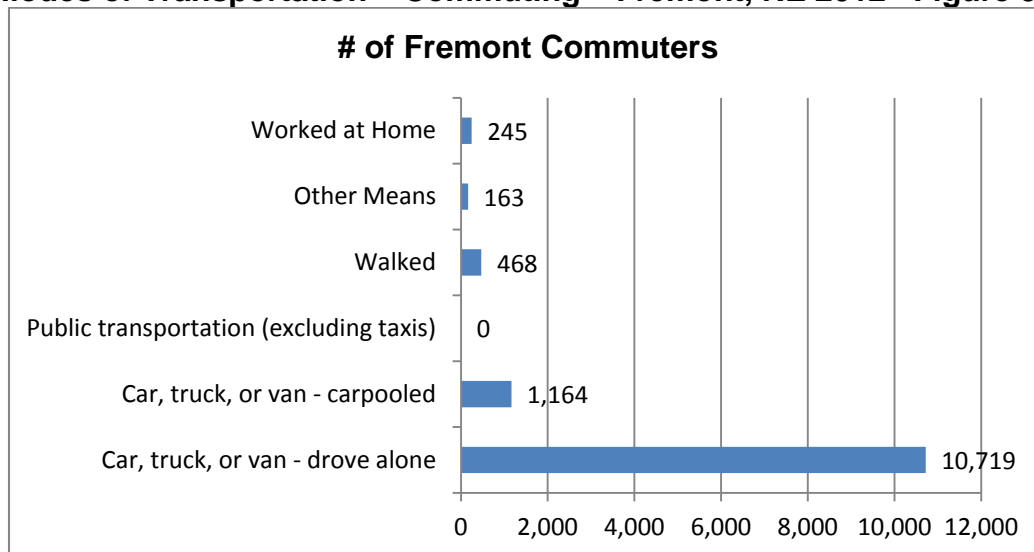
According to Fremont Transit Lines, the FTL system complies with the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal opportunity laws. Fremont Transit Lines serves a diverse population of individuals with varying ages, physical challenges, economic status, and ethnic backgrounds. FTL shall ensure that no person shall be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by FTL based solely on his/her race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

FTL allows service animals to accompany owners per the ADA. According to the FTL, the ADA's revised regulations define a "service animal" as a dog that is individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability. Under the ADA, "comfort," "therapy," or "emotional support" animals do not meet the definition of a service animal. Animals other than service animals as described above are allowed to ride the transit vehicle only in a secured pet travel carrier.

### Commuting

According to the 2012 American Community Survey, 84% of Fremont workers drove to work alone and 9.1% carpoolled. Among those who commuted to work, it took them on average 16.7 minutes to get to work.

**Modes of Transportation – Commuting – Fremont, NE 2012 Figure 5**



Source: U.S. Census Bureau, 2012 American Community Survey

City of Fremont, NE: Commute Times –2012		Table 10
Travel Time to Work (one way)		Rate (%)
Less than 10 minutes		34.5%
10 to 14 minutes		27.8%
15 to 19 minutes		8.3%
20 to 24 minutes		6.4%
25 to 29 minutes		3.8%
30 to 34 minutes		5.8%
35 to 44 minutes		4.6%
45 to 59 minutes		4.9%
60 or more minutes		3.9%

Source: U.S. Census Bureau, 2012 American Community Survey

A review of the data above shows that over one-half of the commuters (62.3%) spent less than 15 minutes or more commuting one way to work. An additional 18.5% spent less than 30 minutes commuting one way to work. The largest group of commuters (34.5% of all commuters) spent less than 10 minutes commuting one way to work.

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### III. HOUSING PROFILE

#### Housing by Tenure

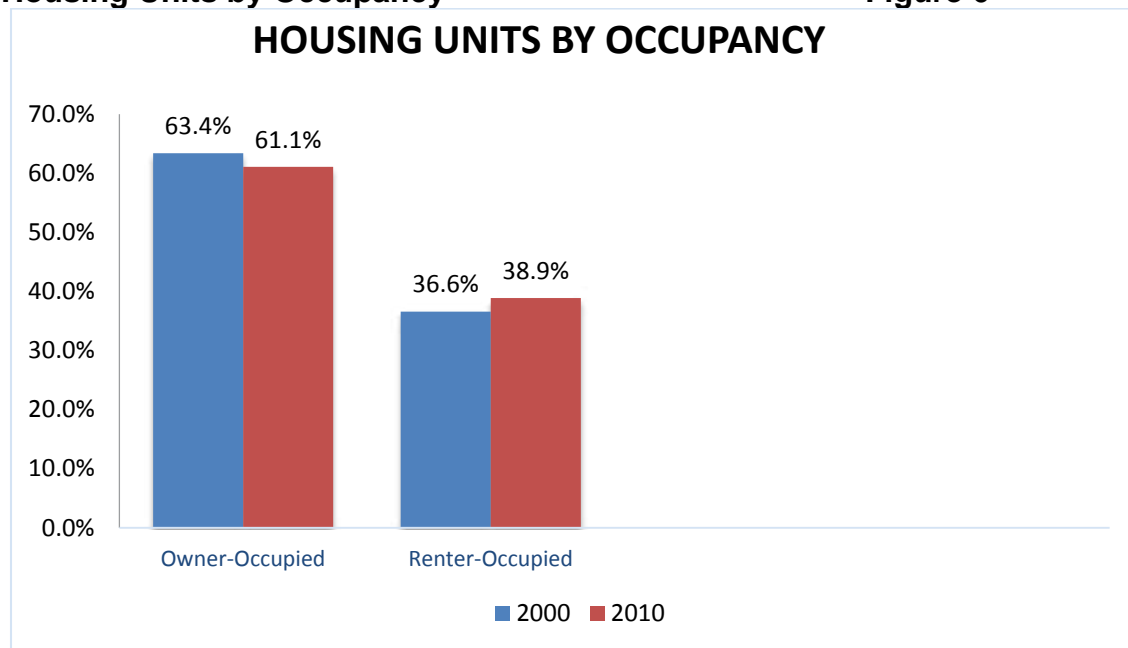
According to the U.S. Census, the number of housing units in Fremont grew by 8% from 10,576 in 2000 to 11,427 housing units in 2010. The rate of housing production was faster than the growth in the City's total population which increased by 4.9% in the 10-year period. The City's vacancy rate rose from 3.8% (405 units) in 2000 to 6.1% (702 units) in 2010.

In 2010, the City of Fremont was comprised of 6,552 (61.1%) owner-occupied units and 4,173 (38.9%) renter-occupied units. This represents a 2.3 percentage point decrease in the rate of homeownership and the rental market experienced a corresponding increase in rental tenure increasing from 3,725 units (36.6%) in 2000. Figure 6 shows the change in tenure between 2000 and 2010.

#### City of Fremont, NE

#### Housing Units by Occupancy

Figure 6



Source: 2000 and 2010 U.S. Census

#### Housing by Structure Type

The 2012 ACS reports 11,217 total housing units in Fremont. Table 11 gives a breakout of the types of units in the housing stock and Table 12 provides the year structures were built.

The predominant type of housing in Fremont is the single-family unit (74.8%), compared to multi-family units (21.5%). Mobile homes make up 3.7% of Fremont's housing stock. Single-unit, detached structures are the most prevalent housing type (70.9%), followed by structures with 20 or more units (6.7%). Comparatively,

the 2000 Census predominant housing type was also single-unit, detached structures (7,293 units or 68.9%), followed by structures with 20 or more units (659 units) and duplexes (653 units) each of which represented 6.2% of the housing stock.

**City of Fremont, NE**

**Table 11**

<b>UNITS IN STRUCTURE</b>		
<b>Type of Housing Unit</b>	<b>Number of Units</b>	<b>Percentage</b>
<b>1-unit, detached</b>	7,948	70.9%
<b>1-unit, attached</b>	435	3.9%
<b>2 units</b>	457	4.1%
<b>3 or 4 units</b>	495	4.4%
<b>5 to 9 units</b>	460	4.1%
<b>10 to 19 units</b>	251	2.2%
<b>20 or more units</b>	756	6.7%
<b>Mobile home</b>	415	3.7%
<b>Boat, RV, van, etc.</b>	0	0.0%

Source: 2012 American Community Survey

The majority of the housing stock (79.5%) was built prior to 1980. Each decade since then, the number of new units added to the housing stock has continuously decreased. According to building permit activity available from the U.S. Census Building Permits Survey, during 2012, the most recent data available, building permits were issued for 32 residential units up from 26 units during the previous year. Of the 58 units approved between 2011 and 2012, 40 were single-family units, 4 were duplexes, and 14 units were part of multi-family project.

**City of Fremont, NE**

**Table 12**

<b>YEAR STRUCTURE BUILT</b>		
<b>Built 2010 or later</b>	0	0.0%
<b>Built 2000 to 2009</b>	727	6.5%
<b>Built 1990 to 1999</b>	763	6.8%
<b>Built 1980 to 1989</b>	809	7.2%
<b>Built 1970 to 1979</b>	1,706	15.2%
<b>Built 1960 to 1969</b>	1,591	14.2%
<b>Built 1950 to 1959</b>	2,024	18.0%
<b>Built 1940 to 1949</b>	916	8.2%
<b>Built 1939 or earlier</b>	2,681	23.9%

Source: 2012 American Community Survey

### Housing Affordability

The median value of an owner-occupied housing unit in 2000 was \$87,100, compared to the 2012 median value of \$114,400, a 31.3% increase. Using the industry standard of three times the income to afford a median priced home, a household would need to earn \$38,133 annually to affordably own a home in Fremont based on the 2010 value.

According to the 2012 ACS, median gross rent in Fremont was \$645 monthly. This reflects an increase of \$148 (29.8%) since the 2000 Census (\$497 median gross rent). Based on HUD standards that a household should not pay more than 30% of its gross income for a housing unit to be considered affordable, a 2012 household would need to earn \$25,800 annually to afford the median gross rent. Table 13 shows a comparison between Fremont and other nearby communities. Of the seven communities assessed, the City of Norfolk has the lowest median rent at \$569 per month. The City of Omaha has the highest median rent at \$757 per month. In terms of home value, the Cities of Columbus, Grand Island, Norfolk and Dodge County have similar median home values ranging between \$109,000 and \$110,500. Omaha and Lincoln have the highest median home values at \$132,900 and \$142,200, respectively.

### City of Fremont, NE

**Median Rent and Median Home Value - Income Affordability, 2012 Table 13**

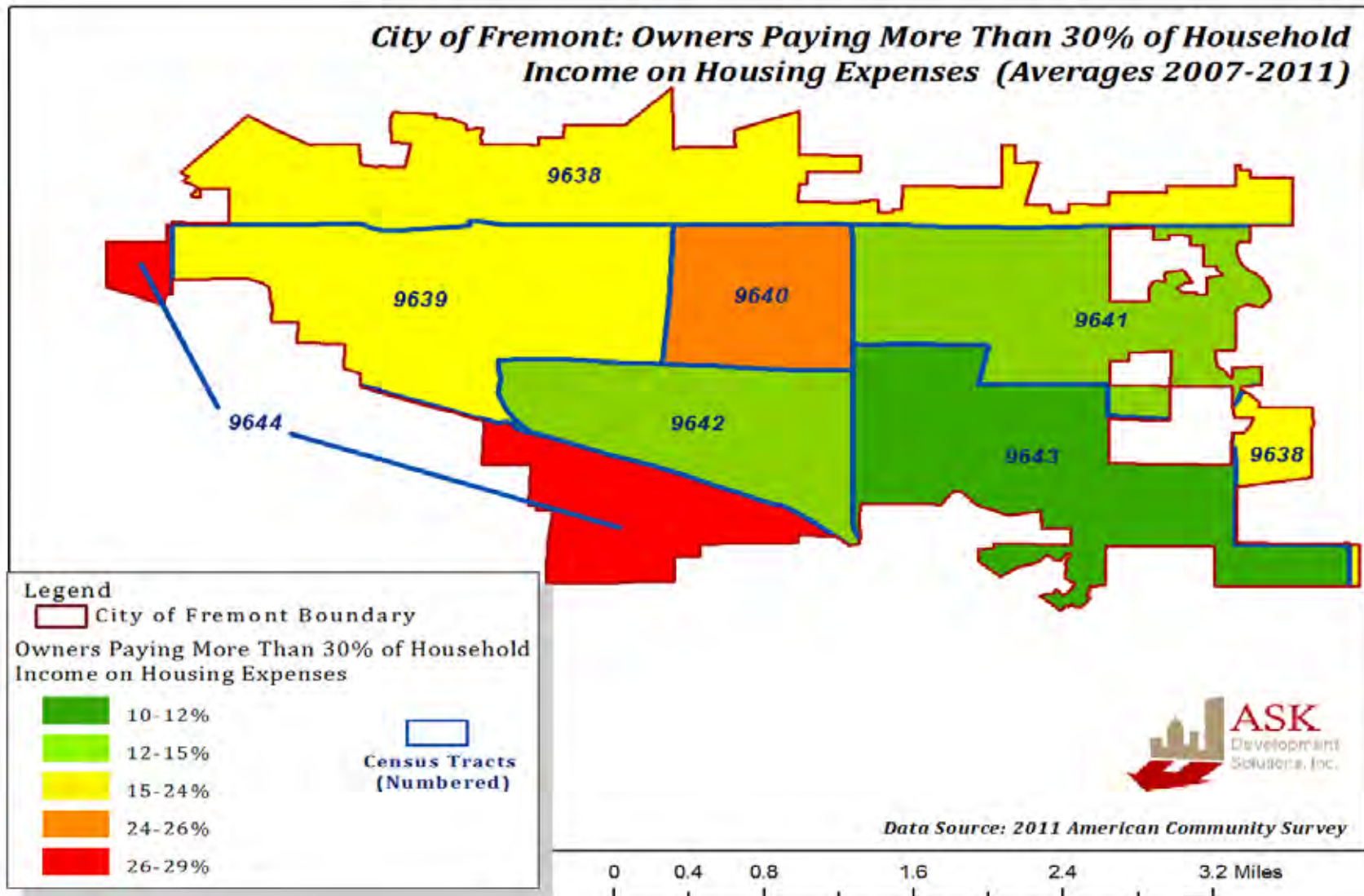
<b>Geographic Area</b>	<b>Median Rent</b>	<b>Annual Income Required to Afford Median Rent</b>	<b>Median Home Value</b>	<b>Annual Income Required To Afford Median Home Value</b>
<b>Fremont</b>	<b>\$645</b>	<b>\$25,800</b>	<b>\$114,400</b>	<b>\$38,133</b>
Columbus	\$606	\$24,240	\$109,000	\$36,333
Dodge County	\$634	\$25,360	\$109,900	\$36,633
Grand Island	\$632	\$25,280	\$109,200	\$36,400
Lincoln	\$700	\$28,000	\$142,200	\$47,400
Norfolk	\$569	\$22,760	\$110,500	\$36,833
Omaha	\$757	\$30,280	\$132,900	\$44,300

Source: American Community Survey, U.S Census Bureau (2012)

- 1) Income to afford median rent calculated by multiplying monthly rent by 12 months, and then dividing result by thirty percent (30%).
- 2) Income to afford a home of median value was calculated by real estate industry standard of multiplying household income by three (3) to determine maximum affordable purchase price.

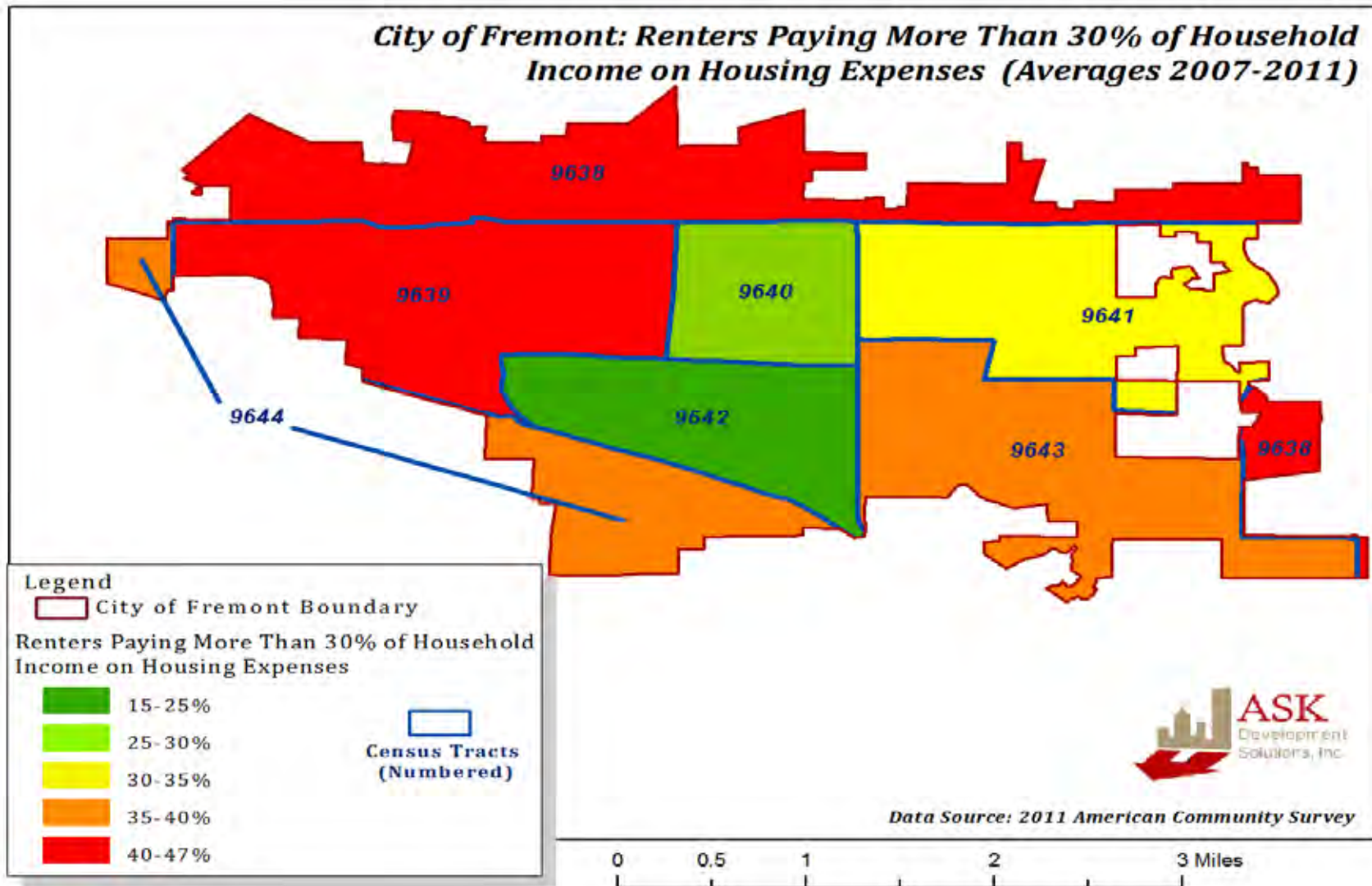


Map 8- Fremont Percent Homeowners Spending More Than 30% Income on Housing 2011





Map 9 - Fremont Percent Renters Paying More Than 30% Income on Rent 2011



According to the 2012 ACS data, Fremont has 4,088 owners with mortgages. Of these owners, 169 or 4.1% pay more than 30 to 34.9% of their household income on housing costs; and 698 or 17.1% pay 35% or more. Also, there are 2,551 owners without mortgages; 80 or 3.1% pay 30 to 34.9 % on housing costs; and 281 or 11% pay 35% or more on housing costs.

There are 3,963 renter-occupied households and approximately 36% pay 30% or more of their household income on rental housing costs monthly; of this number 312 or 7.9% pay 30 to 34.9% of their income on rental housing costs. Another 1,110 or 28.2% pay 35% or more on renter housing costs.

According to RealtyTrac, the median sales price for a home in Fremont in February 2014 was \$276,000. Based on household income reported in the 2012 ACS, an estimated 18% of Fremont owners (1,199 households) and 1.8% of renters (72 households) could afford to purchase the median-priced home without cost burden.

In regards to affordability of rental units, the FY 2014 Fair Market Rent (FMR) for Dodge County ranged from \$389 for an efficiency unit to \$874 for a four-bedroom unit. Approximately 79% of renters (3,217 households) can afford to rent an efficiency unit, 58% of renters (2,371 households) can afford to rent a two-bedroom unit, and 42% of renters (1,714 households) can afford to rent a four-bedroom unit.

Final FY 2014 FMRs By Unit Bedrooms				
Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$389	\$495	\$654	\$859	\$874

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### Housing Stock Available to Low Income Households

According to HUD's Picture of Subsidized Households, there are 490 subsidized units in the City of Fremont based on the 2010 Census of which 92% are occupied. There are a total of 749 people residing in subsidized housing for an average of 1.6 people per unit. The household income per year is \$11,635 and each household spends \$269 per month on rent. The majority of the residents are very low income (94%). In terms of household composition, 75% of households in subsidized housing are female-headed households and 28% of these households have children. Over 36% of households are elderly or frail-elderly and 25% of all persons have a disability.

The HUD Low Income Housing Tax Credit Database identifies three subsidized housing projects located within the City of Fremont: Somers Point Apartments, Powerhouse Apartments, and Somers Point II Townhomes. The Nebraska Investment Finance Agency (NIFA) is designated as Nebraska's housing credit allocation agency. Combined, the three projects provide 103 affordable housing units. The Gifford and Stanton Towers are the two public housing developments owned and managed by the Fremont Housing Agency and are comprised of 249 units. The other subsidized housing projects are Empire Apartments, Mosaic Housing Corporation, and Yorkshire Manor Apartments. Table 14 provides details on each project including the type of housing, the number of assisted units, and the location of each project in regards to minority and low income concentration.

**Fremont: Location of Subsidized Housing**

**Table 14**

Project Name	Project Address	Low Income Units	Housing Type	Census Tract	Tract Minority %	Tract Median Family Income %
<b>Gifford Tower</b>	2510 N Clarkson St	249	Family	9638	11.88	89.22
<b>Stanton Tower</b>	2600 N Clarkson St		Elderly	9638		
<b>Yorkshire Manor Apartments</b>	2600 N Laverna St	84	Family	9638	17.70	105.64
<b>Somers Point II Townhomes</b>	1033 W Somers Pt	32	Elderly	9639		
<b>Somers Point Apartments</b>	948 W Somers Pt.	32	Elderly	9642	16.86	90.25

Project Name	Project Address	Low Income Units	Housing Type	Census Tract	Tract Minority %	Tract Median Family Income %
<b>Powerhouse Apartments</b>	734 N Park Ave	39	Family	9642		
<b>Mosaic Housing Corp</b>	317 W Military Ave	16	Disabled	9642		
<b>Empire Apartments</b>	459 Jefferson Rd	24	Family	9644	34.06	84.79

According to the Federal Financial Institutions Examination Council (FFIEC) census data for 2013, Dodge County has an average minority concentration of 12.5%. With the exception of census tract 9638, where the minority population is 11.88%, all of the subsidized housing projects are located in census tracts that are above the City's average for minorities. Census tract 9638 also has the majority of the subsidized housing units representing 70% of all subsidized housing in the City.

Census tracts 9639 and 9644 would be considered 'minority tracts' defined as a census tract where the minority concentration is at least 5% greater than the City of Fremont as a whole. Within these two census tracts, there are 56 subsidized units or 11.7% of all subsidized housing units. Based on the review of the census data, the location of rent-restricted units is not concentrated in predominantly lower income or minority areas.

### **Comprehensive Housing Affordability Study (CHAS)**

HUD's Comprehensive Housing Affordability Study (CHAS) is a commonly-used gauge of housing affordability. HUD considers a housing unit affordable if the occupant household expends no more than 30% of its income on housing cost. In the situation where the household expends greater than 30% of its income on housing cost, the household is considered cost-burdened. In cases where housing cost is 50% of income or greater, the household is considered severely cost-burdened. Cost-burdened households have fewer financial resources to meet other basic needs (food, clothing, transportation, medical, etc.), fewer resources to properly maintain the housing structure, and are at greater risk for foreclosure or eviction. CHAS data provides the number of households by income category within the City of Fremont that had housing problems by the type of household. The analysis below is based on this data. The latest available CHAS data utilizes 2010 ACS data which, while dated, provides detailed information about housing

cost burdens across all categories. The definition of income categories and housing problems is as follows:

#### Income Categories

- Extremely low income: 0%-30% of the Area Median Income (AMI)
- Low income: 31%-50% of the AMI
- Moderate income: 51%-80% of the AMI
- Middle and upper income: 80% or More of the AMI

#### Housing Problems

According to HUD, a household with housing problems consists of:

1. Persons and families living in units with physical defects (lacking a complete kitchen or bath); or
2. Persons and families living in overcrowded conditions (greater than 1.01 persons/room); or
3. Persons and families cost-burdened (paying more than 30% of income for housing, including utilities).

According to the 2010 CHAS, of the 10,614 occupied housing units in the City of Fremont, 6,645 (62.6%) were occupied by owner households and 3,969 (37.4%) were occupied by renter households. The low- and moderate-income population totaled 4,330 (40.8%) households. The remaining 6,284 (59.2%) were occupied by households that earn incomes greater than 80% AMI. While housing in Fremont is predominantly owner-occupied, among low- and moderate-income households, renters dominate the market. There are 2,415 (55.7%) low- and moderate-income renter households and 1,920 (44.3%) low- and moderate-income owner households.

As is typical in most areas, lower income households have a greater incidence of housing problems than middle/upper income households. Of the 10,614 households, 3,000 (28.3%) have at least one housing problem. Of the 4,330 low- and moderate-income households, 2,495 (57.6%) have at least one housing problem. Overall, 83.2% of households experiencing at least one housing problem are of low- and moderate-income. See below tables #15 and #16 which show the number of households by income category and households experiencing at least one housing problem.

**Fremont: Extremely, Low, and Moderate Income Households Table 15**

<b>Income Category</b>	<b>Number of Households</b>	<b>% of All Occupied Households</b>
<b>Extremely Low Income</b>	930	8.8%
<b>Low Income</b>	1,445	13.6%
<b>Moderate Income</b>	1,955	18.4%
<b>TOTAL Low/Mod Income</b>	<b>4,330</b>	<b>40.8%</b>
<b>Middle/Upper Income</b>	6,284	59.2%
<b>TOTAL Households</b>	<b>10,614</b>	<b>100%</b>

**Fremont: Housing Problems by Income Category Table 16**

<b>Income Category</b>	<b>Number of Households</b>	<b># With At Least One Housing Problem</b>	<b>% With At Least One Housing Problem</b>
<b>Extremely Low Income</b>	930	705	75.8%
<b>Low Income</b>	1,445	965	66.8%
<b>Moderate Income</b>	1,955	825	42.2%
<b>TOTAL Low/Mod Income</b>	<b>4,330</b>	<b>2,495</b>	<b>57.6%</b>
<b>Middle/Upper Income</b>	6,284	505	8.0%
<b>TOTAL (All Categories)</b>	<b>10,614</b>	<b>3,000</b>	<b>28.3%</b>

The CHAS data also indicates that more renter households experience at least one housing problem in comparison to homeowners, and that renters also experience a higher rate of cost burden. Of the low- and moderate-income households with a housing problem, 1,565 (64.8%) renter households have at least one housing problem compared to 930 (48.4%) owner-occupied households. The predominant housing problem experienced by the low- and moderate-income households in Fremont is affordability. Approximately 2,440 (53.6%) of all low- and moderate-income households are in need of affordable housing which is comprised of 1,515 renter households and 925 owner households. See tables #17 and #18.



**Fremont: Housing Problems among Renters and Owners** **Table 17**

Income Category	Number of Renter Households	# of Renters With At Least One Housing Problem	% of Renters With At Least One Housing Problem	Number of Owner Households	# of Owners With At Least One Housing Problem	% of Owners With At Least One Housing Problem
<b>Extremely Low Income</b>	685	495	72.3%	250	210	84.0%
<b>Low Income</b>	795	625	78.6%	650	340	52.3%
<b>Moderate Income</b>	935	445	47.6%	1,020	380	37.3%
<b>TOTAL Low/Moderate Income</b>	<b>2,415</b>	<b>1,565</b>	<b>64.8%</b>	<b>1,920</b>	<b>930</b>	<b>48.4%</b>

**Fremont:**  
**Cost Burdens for Renters and Owners by Income Category** **Table 18**

Income Category	Renters		Owners	
	Cost Burden	Severe Cost Burden	Cost Burden	Severe Cost Burden
<b>Extremely Low Income</b>	30 (4.4%)	460 (67.2%)	85 (34.0%)	120 (48.0%)
<b>Low Income</b>	405 (51.0%)	215 (27.0%)	210 (32.3%)	130 (20.0%)
<b>Moderate Income</b>	320 (34.2%)	85 (9.1%)	310 (30.4%)	70 (6.8%)
<b>TOTAL Low/Moderate Income</b>	<b>755 (31.3%)</b>	<b>760 (31.5%)</b>	<b>605 (31.5%)</b>	<b>320 (16.7%)</b>

Tables 19-24 below provide an analysis of housing problems and cost burden by tenure for elderly, small related, and large related households.

According to the CHAS data, there were 3,475 households in Fremont with at least one member over the age of 62. Of those, 1,935 (55.7%) met the definition of low- and moderate-income. Within the 1,935 low- and moderate-income elderly households, approximately 930 (48.1%) encountered at least one housing problem. Of the 930 low- and moderate-income households with a housing problem, 895 (96.2%) occupied housing that was unaffordable. The low- and

moderate-income elderly households are comprised of 745 renters and 1,190 owners. Of the 745 renter households, 485 (65.1%) have at least one housing problem and 470 (63.1%) are cost-burdened. Of the 1,190 owner households, 445 (37.4%) have at least one housing problem. Of the 445 low- and moderate-income elderly owner households with at least one housing problem, 425 (95.5%) are experiencing cost-burden.

The largest segment of Fremont's population is small related households (two to four members). The CHAS data indicates that there were 4,405 small related households. Of the 4,405 small related households, 1,230 (28%) were low- and moderate-income households. There are a total of 1,565 small related renter households, of which 820 (52.4%) were low- and moderate-income households. 630 (76.8%) of the small related renter households experienced at least one housing problem and with the exception of 5 of these households, the housing problem experienced is cost-burden. There are 2,840 small related owner households. The CHAS data indicates that 410 (14.4%) are low- and moderate-income. A total of 245 (59.8%) small related owner households are experiencing a housing problem, all of whom are cost-burdened.

Large related households (five or more members) also have high incidences of housing problems, according to the CHAS data. Of the 740 large related households, 245 (33.1%) were low- and moderate-income, and 205 (83.7%) of the low- and moderate-income households experience at least one housing problem. The data shows that 155 (88.6%) of the low- and moderate-income large related renter households face at least one housing problem and 130 (74.3%) were experiencing cost burden. Of the 535 large related owner households, the CHAS data indicates that 70 (13.1%) were low- and moderate-income. A total of 50 (71.4%) low- and moderate-income large related owner households are experiencing a housing problem. Of the 70 large related low- and moderate-income owner households, 30 (42.9%) are dealing with cost burden, and 20 (28.6%) experience severe cost burden.

#### Tables 19-24 – Summary of Housing Problems, Renter Households

##### Fremont: Elderly Households

Table 19

Number (%) Renter Households with Housing Problems				
Income Category	Number of Households	Has 1 or more Housing Problem	Cost Burden >30%	Cost Burden >50%
<b>Extremely Low Income (0-30% AMI)</b>	185	140 (75.7%)	20 (10.8%)	120 (64.8%)
<b>Low Income (31-50% AMI)</b>	225	140 (62.2%)	60 (26.7%)	80 (35.6%)



<b>Number (%) Renter Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Moderate Income (51-80% AMI)</b>	335	205 (61.2%)	105 (31.3%)	85 (25.4%)
<b>Total Low/Moderate Income</b>	<b>745</b>	<b>485 (65.1%)</b>	<b>185 (24.8%)</b>	<b>285 (38.3%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	210	55 (26.2%)	40 (19.0%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>955</b>	<b>540 (56.5%)</b>	<b>225 (23.5%)</b>	<b>285 (29.8%)</b>

Fremont: Small Related Households

Table 20

<b>Number (%) Renter Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Extremely Low Income (0-30% AMI)</b>	265	200 (75.4%)	15 (5.7%)	185 (69.8%)
<b>Low Income (31-50% AMI)</b>	345	325 (94.2%)	220 (63.8%)	100 (29.0%)
<b>Moderate Income (51-80% AMI)</b>	210	105 (50.0%)	105 (50.0%)	0 (0.0%)
<b>Total Low/Moderate Income</b>	<b>820</b>	<b>630 (76.8%)</b>	<b>340 (41.5%)</b>	<b>285 (34.8%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	745	30 (4.0%)	0 (0.0%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>1,565</b>	<b>660 (42.2%)</b>	<b>340 (41.5%)</b>	<b>285 (34.8%)</b>

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**Fremont: Large Related Households**

**Table 21**

<b>Number (%) Renter Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Extremely Low Income (0-30% AMI)</b>	50	50 (100.0%)	0 (0.0%)	50 (100.0%)
<b>Low Income (31-50% AMI)</b>	55	55 (100.0%)	55 (100.0%)	0 (0.0%)
<b>Moderate Income (51-80% AMI)</b>	70	50 (71.4%)	25 (35.7%)	0 (0.0%)
<b>Total Low/Moderate Income</b>	<b>175</b>	<b>155 (88.6%)</b>	<b>80 (45.7%)</b>	<b>50 (28.6%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	30	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>205</b>	<b>155 (75.6%)</b>	<b>80 (39.0%)</b>	<b>50 (24.4%)</b>

**Tables 22-24 – Summary of Housing Problems, Owner Households**

**Fremont: Elderly Households**

**Table 22**

<b>Number (%) Owner Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Extremely Low Income (0-30% AMI)</b>	190	155 (81.6%)	70 (36.8%)	70 (36.8%)
<b>Low Income (31-50% AMI)</b>	390	135 (34.6%)	105 (26.9%)	30 (7.7%)
<b>Moderate Income (51-80% AMI)</b>	610	155 (25.4%)	125 (20.5%)	25 (4.1%)
<b>Total Low/Moderate Income</b>	<b>1,190</b>	<b>445 (37.4%)</b>	<b>300 (25.2%)</b>	<b>125 (10.5%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	1,330	80 (6.0%)	80 (6.0%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>2,520</b>	<b>525 (20.8%)</b>	<b>380 (15.1%)</b>	<b>125 (5.0%)</b>

**Fremont: Small Related Households**

**Table 23**

<b>Number (%) Owner Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Extremely Low Income (0-30% AMI)</b>	25	25 (100.0%)	0 (0.0%)	25 (100.0%)
<b>Low Income (31-50% AMI)</b>	115	80 (69.6%)	40 (34.8%)	40 (34.8%)
<b>Moderate Income (51-80% AMI)</b>	270	140 (51.9%)	95 (35.2%)	45 (16.7%)
<b>Total Low/Moderate Income</b>	<b>410</b>	<b>245 (59.8%)</b>	<b>135 (32.9%)</b>	<b>110 (26.8%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	2,430	255 (10.5%)	250 (10.3%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>2,840</b>	<b>500 (17.6%)</b>	<b>385 (13.6%)</b>	<b>110 (3.9%)</b>

**Fremont: Large Related Households**

**Table 24**

<b>Number (%) Owner Households with Housing Problems</b>				
<b>Income Category</b>	<b>Number of Households</b>	<b>Has 1 or more Housing Problem</b>	<b>Cost Burden &gt;30%</b>	<b>Cost Burden &gt;50%</b>
<b>Extremely Low Income (0-30% AMI)</b>	20	20 (100.0%)	0 (0.0%)	20 (100.0%)
<b>Low Income (31-50% AMI)</b>	20	20 (100.0%)	20 (100.0%)	0 (0.0%)
<b>Moderate Income (51-80% AMI)</b>	30	10 (33.3%)	10 (33.3%)	0 (0.0%)
<b>Total Low/Moderate Income</b>	<b>70</b>	<b>50 (71.4%)</b>	<b>30 (42.9%)</b>	<b>20 (28.6%)</b>
<b>Middle/Upper Income (&gt;80%)</b>	465	10 (2.2%)	0 (0.0%)	0 (0.0%)
<b>Total (All Categories)</b>	<b>535</b>	<b>60 (11.2%)</b>	<b>30 (5.6%)</b>	<b>20 (3.7%)</b>

Like most communities, lower income households are the segment of the population most impacted by housing problems. Of Fremont's total population, renters have a larger percentage of housing problems than owners, 64.8% versus 48.4% as seen in Table 17. The greatest housing problem faced by all households is affordability. As expected, low income households were the most cost-burdened households. Of the household types examined (elderly, small-related, and large-related) approximately 97% of all low- and moderate-income households that have a housing problem were cost-burdened. Overall, large related households have the most housing problems followed by small related and elderly households. By tenure, 88.6% of large related renter households have housing problems followed by small related renters (76.8%), and large related owner households (71.4%).

### Housing Problems within Racial and Ethnic Groups

In regards to housing problems within various racial and ethnic groups, according to the CHAS data, among renters, the racial and ethnic groups with a disproportionately overall greater incidence of housing problems and cost-burden are persons that are classified as 'other', meaning two or more races; American Indian/Native Americans; and Hispanics. Among owners, persons of Hispanic ethnicity are disproportionately impacted by housing problems and experience more cost-burden.

**Fremont: Housing Problems within Racial and Ethnic Groups Table 25**

<b>Racial/Ethnic Classification</b>	<b># of Renters With Housing Problems</b>	<b>% of Renters With Housing Problems<sup>1</sup></b>	<b># of Owners With Housing Problems</b>	<b>% of Owners With Housing Problems</b>
<b>White</b>	1,405	40.1%	1,220	19.5%
<b>Black/African American</b>	0	0.0%	0	0.0%
<b>Hispanic</b>	200	51.3%	120	36.9%
<b>Asian</b>	0	0.0%	0	0.0%
<b>American Indian/Native American</b>	20	57.1%	0	0.0%
<b>Pacific Islander</b>	0	0.0%	0	0.0%
<b>Other</b>	39	89.7%	0	0.0%
<b>TOTAL for All Households</b>	<b>1,664</b>	<b>42.0%</b>	<b>1,340</b>	<b>20.2%</b>

<sup>1</sup> The percentage of renters and owners with housing problems was determined by dividing the number of renters/owners with housing problems by the total number of households (renters/owners) by race.

**Fremont:**

**Cost Burden for Renters and Owners by Racial/Ethnic Groups Table 26**

Income Category	All Renters		All Owners	
	Cost Burden Cost	Severe Burden	Cost Burden Cost	Severe Burden
<b>White</b>	660 (18.8%)	655 (18.7%)	855 (13.7%)	340 (5.4%)
<b>Black/African American</b>	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>Hispanic</b>	135 (34.6%)	50 (12.8%)	120 (36.9%)	0 (0.0%)
<b>Asian</b>	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>American Indian/Native American</b>	0 (0.0%)	20 (57.1%)	0 (0.0%)	0 (0.0%)
<b>Pacific Islander</b>	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
<b>Other</b>	0 (0.0%)	35 (100.0%)	0 (0.0%)	0 (0.0%)
<b>TOTAL</b>	<b>795 (20.1%)</b>	<b>760 (19.2%)</b>	<b>975 (14.7%)</b>	<b>340 (5.2%)</b>

Some of the previous maps show that there is an overlap between areas of the City where renters spend more than 30% of their income on housing (Map 9) and areas with percentage of minority residents (Maps 3 and 4). These tracts are also consistent with the low- and moderate-income tracts (Map 2). This is important, as such a high rate of renters with a cost burden is likely to have a disparate impact on persons within the protected classes. If a tenant is paying more than 30% and often up to 50% of income on rent, then it severely restricts housing choices for persons with lower incomes and is a barrier because it indirectly impedes fair housing choice.

### **Housing Stock Available to Persons with Disabilities**

To determine if there is sufficient housing available for persons with disabilities, you need to first determine the number of persons in the City that meet the definition of disabled. HUD defines a person with disabilities as “any person who has a physical or mental impairment that substantially limits one or more major life events (walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for one self); has a record of such impairment; or is regarded as having such an impairment.

The most recent comprehensive data on disability status among Fremont’s population was the U.S. Census 2012 ACS. According to the 2012 ACS, 12.0% (3,109 persons) in Fremont’s civilian non-institutionalized population reported a disability. The data included the following breakdown of the persons with

disabilities by age group. The highest percentage of persons with disabilities occurred in the 65 and over population group (34.2%).

**Fremont:**

**Disability Status of the Civilian Non-Institutionalized Population Table 27**

<b>Population Status</b>	<b>Number</b>	<b>Percentage</b>
<b>Total Population</b>	25,884	100%
<b>With a Disability</b>	3,109	12.0%
<b>Population Under 5 years</b>	1,877	7.3%
<b>With a Disability</b>	0	0.0%
<b>Population 5 to 17 years</b>	4,534	17.5%
<b>With a Disability</b>	290	6.4%
<b>Population 18 to 64 years</b>	15,531	60.0%
<b>With a Disability</b>	1,469	9.5%
<b>Population 65 years and over</b>	3,942	15.2%
<b>With a Disability</b>	1,350	34.2%

Source: American Community Survey, US. Census Bureau (2012)

The 2012 ACS also provides information regarding types of disabilities within the Fremont population, as well as the incidence of two or more disabilities within age groups. Persons with ambulatory disabilities are the most common in the City and the least common disability reported among Fremont residents was vision difficulty. Within the 65 and over age group, the most common disabilities are ambulatory, hearing and independent living while the majority of persons with disabilities in the 18 to 64 age group have cognitive difficulties. Fremont's total population with disabilities is 12.0% compared to Dodge County and Nebraska, where 12.7% and 10.8% report a disability, respectively. The population group with the largest percentage of persons with disabilities in Dodge County and Nebraska is also the elderly, where 33.1% and 34.8% of senior residents report some type of disability. Table 28 below shows the breakdown of persons with disabilities based on type of disability and age for 2012.

**Fremont: Disability Characteristics of the Fremont Population Table 28**

<b>Population/ Characteristic</b>	<b>Total</b>	<b># With a Disability</b>	<b>% With a Disability</b>
<b>Total Population</b>	<b>25,884</b>	<b>3,109</b>	<b>12.0%</b>
Population under 5 years	1,877	0	0.0%
With a hearing difficulty		0	0.0%

Population/ Characteristic	Total	# With a Disability	% With a Disability
With a vision difficulty		0	0.0%
Population 5 to 17 years	4,534	290	6.4%
With a hearing difficulty		36	0.8%
With a vision difficulty		31	0.7%
With a cognitive difficulty		256	5.6%
With an ambulatory difficulty		0	0.0%
With a self-care difficulty		32	0.7%
Population 18 to 64 years	15,531	1,469	9.5%
With a hearing difficulty		343	2.2%
With a vision difficulty		238	1.5%
With a cognitive difficulty		820	5.3%
With an ambulatory difficulty		700	4.5%
With a self-care difficulty		240	1.5%
With an independent living difficulty		564	3.6%
Population 65 years and over	3,942	1,350	34.2%
With a hearing difficulty		706	17.9%
With a vision difficulty		175	4.4%
With a cognitive difficulty		181	4.6%
With an ambulatory difficulty		692	17.6%
With a self-care difficulty		189	4.8%
With an independent living difficulty		437	11.1%

Source: American Community Survey, US. Census Bureau (2012)

Many of the persons with disabilities in Fremont have more than one reported disability. Therefore, there is duplication between categories of disability items. Of the number of persons with disabilities, 1,411 (45.4%) report having two or more disabilities. Approximately 17% of elderly persons with disabilities report having two or more disabilities.

**Fremont: Age and Number of Disabilities**

**Table 29**

Population	Number
<b>Total Population</b>	<b>25,884</b>
<b>Population under 18 years</b>	6,411
With one type of disability	216
With two or more types of disability	74
<b>Population 18 to 64 years</b>	15,531
With one type of disability	668
With two or more types of disability	801
<b>Population 65 years and over</b>	3,942
With one type of disability	814
With two or more types of disability	536

Source: American Community Survey, US. Census Bureau (2012)



To further analyze the housing challenges of persons with disabilities in Fremont, the CHAS data was examined to determine the extent of housing problems and housing needs, particularly for low- and moderate-income households with a disabled member.

The 2010 CHAS data provides the most recent detailed data of housing problems of disabled residents based on their household income. There were 4,800 households with a disabled member, of which 2,890 (60.2%) were low- and moderate-income. According to the CHAS data, 1,690 low- and moderate-income persons with disabilities member households had housing problems. Within disabled member renter households, 88.8% with household incomes less than 30% AMI had housing problems; 70.6% with household incomes greater than 30% but less than 50% AMI had housing problems; and 76.4% of households with incomes greater than 50% but less than 80% AMI had housing problems.

**Fremont: Disabled Member Households with Housing Problems Table 30**

<b>Income Category</b>	<b>Number of Disabled Member Households</b>	<b># of Disabled Member Households with Housing Problem</b>	<b>% of Disabled Member Households with Housing Problem</b>
<b>Extremely Low Income</b>	550	465	84.5%
<b>Low Income</b>	1,025	540	52.7%
<b>Moderate Income</b>	1,315	685	52.1%
<b>TOTAL Low/Moderate-Income</b>	<b>2,890</b>	<b>1,690</b>	<b>58.5%</b>

**Fremont:  
Disabled Member Renter Households with Housing Problems Table 31**

<b>Income Category</b>	<b>Number of Disabled Member Renter Households</b>	<b># of Disabled Member Renter Households with Housing Problem</b>	<b>% of Disabled Member Renter Households with Housing Problem</b>
<b>Extremely Low Income</b>	445	395	88.8%
<b>Low Income</b>	340	240	70.6%
<b>Moderate Income</b>	700	535	76.4%
<b>TOTAL Low/Moderate-Income</b>	<b>1,485</b>	<b>1,170</b>	<b>78.8%</b>



Within disabled member owner households, 66.7% with household incomes less than 30% AMI had housing problems; 43.8% with household incomes greater than 30% but less than 50% AMI had housing problems; and 24.4% of households with incomes greater than 50% but less than 80% AMI had housing problems.

**Fremont:**

**Disabled Member Owner Households with Housing Problems Table 32**

<b>Income Category</b>	<b>Number of Disabled Member Owner Households</b>	<b># of Disabled Member Owner Households with Housing Problem</b>	<b>% of Disabled Member Owner Households with Housing Problem</b>
<b>Extremely Low Income</b>	105	70	66.7%
<b>Low Income</b>	685	300	43.8%
<b>Moderate Income</b>	615	150	24.4%
<b>TOTAL Low/Moderate-Income</b>	<b>1,405</b>	<b>520</b>	<b>37.0%</b>

Extremely Low Income disabled member households were disproportionately impacted by housing problems.

While the CHAS data does not provide details on the type of housing problems faced by persons in disabled-member households; typically having a disability impacts earning potential and capacity to secure housing. Therefore, residents with disabilities often face affordability issues. According to the 2012 ACS, in Fremont, 614 persons with a disability are a part of the labor force and 90 persons with disabilities are unemployed. The median income of persons with disabilities is approximately \$11,574 less than persons without a disability.

The 2010-2014 Nebraska Consolidated Plan indicated that persons with disabilities are underserved. According to the Consolidated Plan, the more urbanized areas of Nebraska are likely to have better capacity to deliver services, but there is a greater share of persons with disabilities living in more rural areas. During the preparation of the Consolidated Plan, the Nebraska Department of Economic Development conducted a needs assessment as part of its Consolidated Planning process. The need for services to persons with disabilities was assigned a low to medium need based on responses received from the public.

The Greater Fremont Housing Study prepared by Hanna: Keelan Associates, P.C. identified housing demands for the Greater Fremont area which includes Fremont and Inglewood. The study was conducted during 2005 and the implementation period was through August 2010. In regards to housing for persons with special needs including independent living housing, licensed assisted living facilities, and

group homes, the survey results indicated that these housing types were “somewhat wanted”. The study went on to identify “consensus statements” regarding the future of housing activities in Greater Fremont based on public input from the housing needs survey and housing committee meetings. Some of the key points were that elderly persons and persons with disabilities need assistance with housing and that maintaining housing for the elderly and accessible housing for persons with disabilities should be a priority. The housing study recommended that the City continue to develop low-density affordable housing units, such as duplex housing and patio homes with available support services.

The specific priority needs for housing in the Greater Fremont Housing Study included housing rehabilitation activities, housing support services, group homes, and independent living rental units for persons with disabilities.

In regards to housing available for persons with disabilities, the Fremont Housing Agency owns and operates public housing for the elderly. The Gifford Tower, Stanton Tower, and Somers Point I & II provide 313 units of subsidized housing. Within each of these properties, handicapped accessible units are available for persons needing these features. The Mosaic Housing Corporation also provides 16 assisted living units.

Based on the size and needs of Fremont’s disabled population it is clear that one of the issues disabled residents face is a lack of affordable and accessible housing. The extent of the need is difficult to quantify because of insufficient data on the number of accessible units in the City, particularly in the private market. The lack of affordable and accessible housing for persons with disabilities is an impediment to fair housing choice. Due to the lack of resources to meet the housing needs of Fremont’s disabled population, ensuring that there is sufficient affordable housing stock for the disabled should be a priority.

### **Housing Stock Available to Elderly Persons**

According to the 2010 U.S. Census, there are 4,555 elderly persons (over 65 years of age) living in Fremont, comprising 17.3% of the population. Of the 4,555 elderly persons, 2,544 persons (55.9%) over the age of 75 are considered to be extra-elderly or frail elderly. The elderly population rate is higher in Fremont when compared to the State of Nebraska where the elderly population is 13.5% of the total population. In terms of growth between 2000 and 2010, persons in the age group 55-64 years have experienced the greatest increase in both Fremont and the State of Nebraska. The population over the age of 65 increased by 3.7% in Fremont and 6.2% in Nebraska between 2000 and 2010.

**Fremont and Nebraska: Population Distribution by Age Group Table 33**

<b>Fremont</b>	<b>No. of persons (2000)</b>	<b>%</b>	<b>No. of persons (2010)</b>	<b>%</b>	<b>% change</b>
<b>Under 44</b>	15,581	61.9%	15,300	58.0%	-1.8%
<b>45-54</b>	3,084	12.3%	3,594	13.6%	16.5%
<b>55-64</b>	2,118	8.4%	2,948	11.2%	39.2%
<b>65-74</b>	2,105	8.4%	2,011	7.6%	-4.5%
<b>Over 75</b>	2,286	9.1%	2,544	9.6%	11.3%
<b>Total</b>	<b>25,174</b>	<b>100.0%</b>	<b>26,397</b>	<b>100.0 %</b>	<b>4.9%</b>
<b>Nebraska</b>	<b>No. of persons (2000)</b>	<b>%</b>	<b>No. of persons (2010)</b>	<b>%</b>	<b>% change</b>
<b>Under 44</b>	1,111,774	65.0%	1,107,762	60.7%	-0.4%
<b>45-54</b>	225,754	13.2%	258,726	14.2%	14.6%
<b>55-64</b>	141,540	8.3%	213,176	11.7%	50.6%
<b>65-74</b>	115,699	6.8%	123,126	6.7%	6.4%
<b>Over 75</b>	116,496	6.8%	123,551	6.8%	6.1%
<b>Total</b>	<b>1,711,263</b>	<b>100.0%</b>	<b>1,826,341</b>	<b>100.0 %</b>	<b>6.7%</b>

#### Elderly and Extra Elderly

The 2010 CHAS data indicates that there were 3,665 elderly households that have mobility or self-care limitations. This figure is broken down into 965 renter households, and 2,700 owner households. Of the 965 renters with mobility and self-care limitations, 760 (78.8%) are low- and moderate-income households. The renter households with the highest rate of housing problems are low income elderly 1- & 2-member households. Elderly is defined as a household composed of one or more persons at least one of whom is 62 years of age or more. Extra elderly is defined as a 1- & 2- member household where either person is 75 years of age or older. Among renters, housing problems disproportionately impact the extremely low income extra elderly and elderly 1- & 2-member households, low income elderly 1- & 2-member households, and moderate income extra elderly 1- & 2-member households.

**Housing Problems for Renters with Mobility/Self Care Limitations Table 34**

<b>Household by Type, Income, &amp; Housing Problem</b>	<b>Extra Elderly 1- &amp; 2 Member Households</b>	<b>Elderly 1- &amp; 2 Member Households</b>	<b>Other Households</b>	<b>Total Renters</b>
Extremely Low Income	145	45	490	680
% With Housing Problems	75.9%	77.8%	70.4%	72.1%
Low Income	170	55	570	795

<b>Household by Type, Income, &amp; Housing Problem</b>	<b>Extra Elderly 1- &amp; 2 Member Households</b>	<b>Elderly 1- &amp; 2 Member Households</b>	<b>Other Households</b>	<b>Total Renters</b>
% With Housing Problems	50.0%	100.0%	85.1%	78.6%
Moderate Income	210	135	590	935
% With Housing Problems	78.6%	29.6%	40.7%	47.6%
Middle/Upper Income	130	75	1,350	1,555
% With Housing Problems	42.3%	0.0%	3.0%	15.8%
<b>Total Households</b>	<b>655</b>	<b>310</b>	<b>3,000</b>	<b>3,965</b>
% With Housing Problems	63.4%	41.9%	37.0%	41.7%

Further analysis of the CHAS data shows that of the 2,700 owner households with mobility and self-care limitations, 1,210 (44.8%) are considered low- and moderate-income households. Household groups with extremely low income have the highest rate of housing problems, followed by low income elderly 1- & 2-member households, as illustrated below.

**Fremont: Housing Problems for Owners with Mobility & Self Care Limitations**

**Table 35**

<b>Household by Type, Income, &amp; Housing Problem</b>	<b>Extra Elderly 1- &amp; 2 Member Households</b>	<b>Elderly 1- &amp; 2 Member Households</b>	<b>Other Households</b>	<b>Total Owners</b>
Extremely Low Income	145	45	60	250
% With Housing Problems	72.4%	100.0%	100.0%	84.0%
Low Income	275	110	260	645
% With Housing Problems	29.1%	45.5%	78.8%	51.9%
Moderate Income	345	290	390	1,025
% With Housing Problems	14.5%	37.9%	56.4%	37.1%
Middle/Upper Income	420	1,070	3,230	4,720
% With Housing Problems	0.0%	9.3%	9.6%	8.7%
<b>Total Households</b>	<b>1,185</b>	<b>1,515</b>	<b>3,940</b>	<b>6,640</b>
% With Housing Problems	19.8%	20.1%	20.2%	20.1%

According to the Greater Fremont Housing Study (2005-2010) the Northeast Nebraska Economic Development District conducted a Community Attitude Survey in 2004. Subsidized rental housing for low income elderly persons was identified as a medium-high priority by 63.4% of respondents. The community housing needs survey completed as part of the Housing Study identified that the public 'greatly wanted' retirement housing for low- and moderate-income elderly persons and 'somewhat wanted' retirement housing for upper-income elderly persons. It was recommended that the City actively pursue the development of a continuum of housing for elderly households with varied household incomes. Based on projected growth of the elderly population, the Housing Study recommended that the City of Fremont build 200 rental units to accommodate the affordable housing needs of the elderly by 2010. The priority housing needs identified for elderly low- and moderate-income households were independent living apartments, assisted living apartments, and housing rehabilitation and modification activities.

The Eastern Nebraska Office of Aging (ENOA) is the Area Agency on Aging serving Douglas, Dodge, Sarpy, Cass, and Washington Counties. The ENOA compiles a list of licensed assisted living facilities and skilled/long-term care facilities by the County. The table below shows the facilities located in the City of Fremont.

**Fremont: List of Housing Options**

**Table 36**

<b>Senior Living Place</b>	<b>Number of Beds</b>
<b>Skilled Nursing Health Care Facilities:</b>	
<b>A.J. Merrick Manor</b>	112
<b>Arbor Manor</b>	147
<b>NYE Legacy Health &amp; Rehabilitation Center</b>	100
<b>NYE Pointe Health &amp; Rehabilitation Center</b>	43
<b>Lyndhurst House *</b>	16
<b>Assisted Living Facilities:</b>	
<b>Edgewood Vista</b>	14
<b>NYE Square</b>	50
<b>Pathfinder House</b>	47
<b>Shalimar Gardens Assisted Living</b>	100
<b>TOTAL ASSISTED UNITS</b>	<b>629</b>

Source: Compiled by Eastern Nebraska Office of Aging

\* The Lyndhurst House was not on the ENOA list of facilities

## Homeownership by Race and Ethnicity

As in most areas of the country, rates of homeownership vary by race/ethnicity in the City of Fremont and its neighboring communities. The overall rate of homeownership in Fremont, for all races, was 62.0% (2012 ACS, U.S. Census). Fremont, like the neighboring communities reviewed has a predominantly White population. Whites have the highest rate of homeownership (91.9%) followed by persons of Hispanic ethnicity (6.6%). The Fremont overall homeownership rates are lower than those of Dodge County but slightly higher than Lincoln, Norfolk, and Omaha. Table 37 depicts homeownership rates by race in Fremont, Dodge County, and other neighboring communities.

**Comparison - Homeownership Rates by Race/Ethnicity  
By Jurisdiction**

**Table 37**

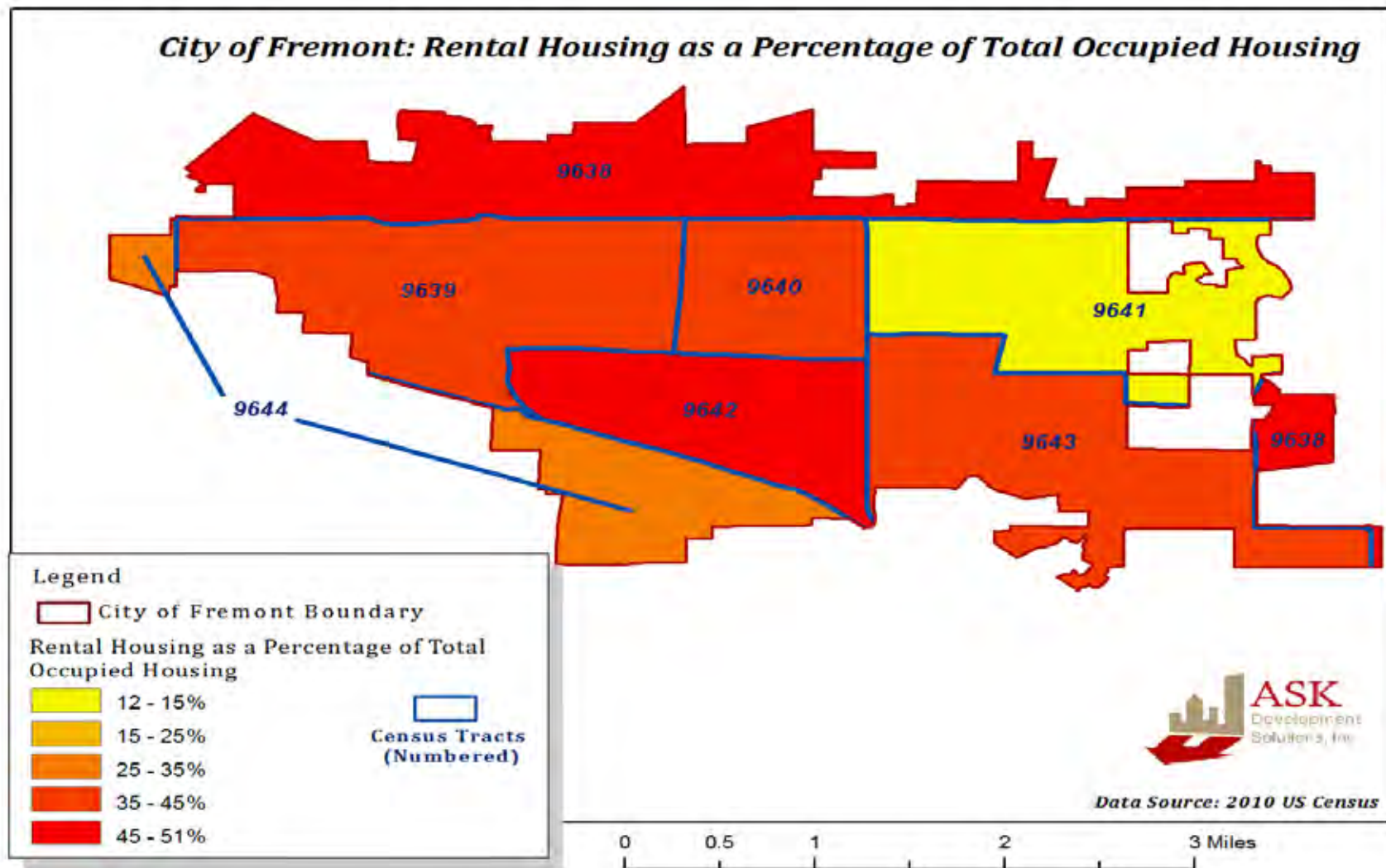
County or City	Overall Ownership Rate	Ownership Rate - White	Ownership Rate – American Indian	Ownership Rate - Asian	Ownership Rate – Pacific Islander	Ownership Rate – Black/African American	Ownership Rate – Hispanic
<b>Fremont</b>	<b>62.0%</b>	<b>91.9%</b>	<b>0.3%</b>	<b>0.2%</b>	<b>0.4%</b>	<b>0.1%</b>	<b>6.6%</b>
<b>Columbus</b>	68.1%	91.1%	0.0%	0.2%	0.0%	0.2%	8.4%
<b>Dodge County</b>	67.7%	94.1%	0.2%	0.1%	0.3%	0.1%	4.6%
<b>Grand Island</b>	62.4%	84.2%	0.6%	1.1%	0.0%	0.3%	13.9%
<b>Lincoln</b>	58.4%	92.7%	0.4%	2.4%	0.0%	1.3%	2.7%
<b>Norfolk</b>	59.0%	94.4%	1.4%	0.0%	0.0%	1.0%	4.2%
<b>Omaha</b>	58.8%	84.3%	0.4%	1.1%	0.0%	7.3%	6.0%

Source: American Community Survey, U.S. Census (2012)

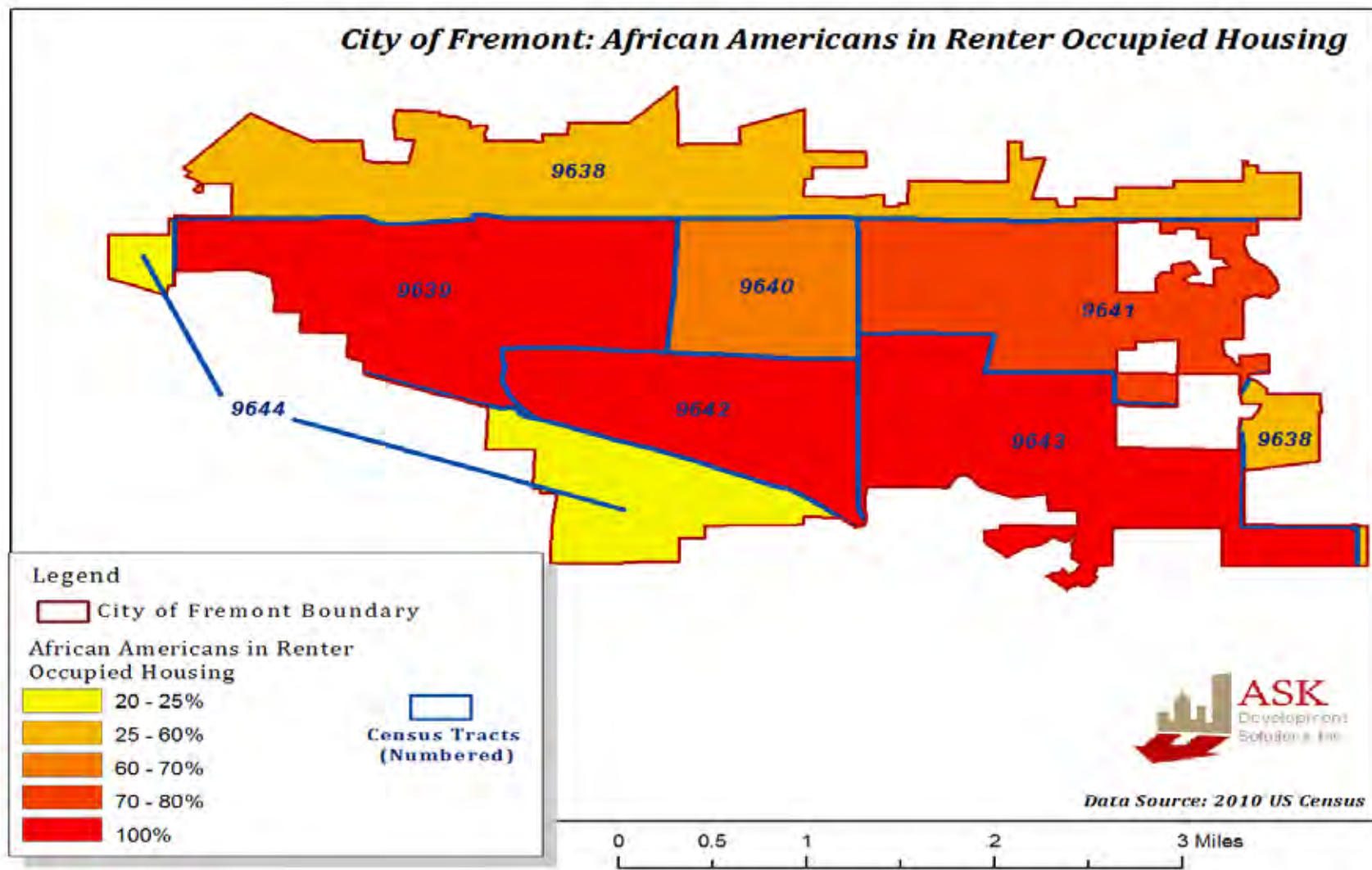
The Greater Fremont Housing Study (2005-2010) examined housing need in the City of Fremont. One of the conclusions of the study was that they needed to be opportunities for homeownership. This is consistent with the 2010-2014 Nebraska Consolidated Plan that identified assistance for more affordable housing for homeownership as a priority housing need. Priority housing needs specific to low income families including New Americans and racial/ethnic groups were also included in the Greater Fremont Housing Study. The specific needs were homeownership opportunities, rent-to-own programs, first time homebuyer program, and housing rehabilitation. Public input received during the preparation of the Housing Study identified the lack of affordable homes and high down payments as the reason most renters cited for not owning their home.



Map 10 - City of Fremont, NE Rental Housing as a Percentage of Total Occupied Units

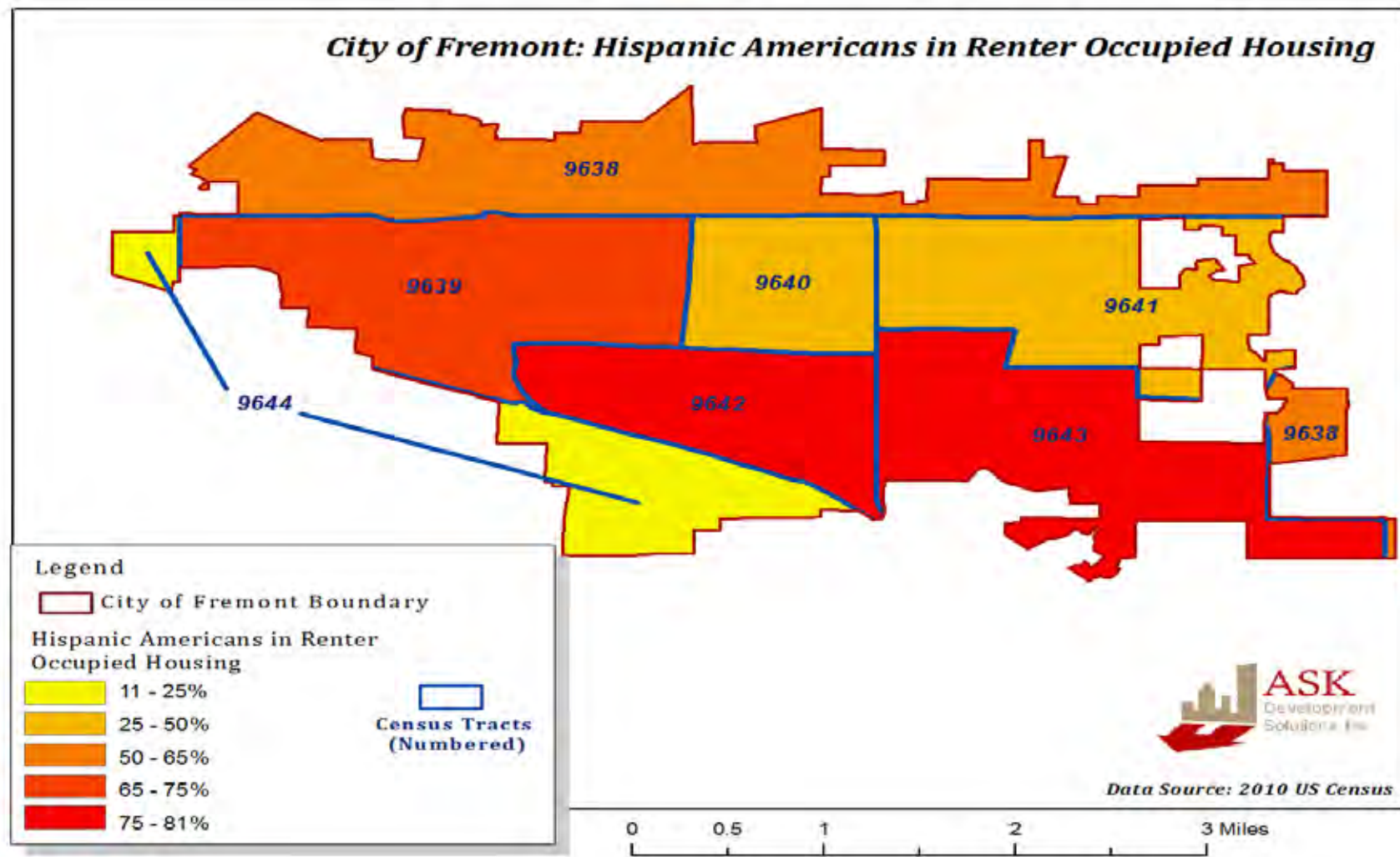


Map 11 - City of Fremont, NE Blacks/African Americans in Renter Occupied Housing





Map 12 - City of Fremont, NE Hispanic Americans in Renter Occupied Housing



## **Recent City Housing Accomplishments**

The City of Fremont receives Community Development Block Grant (CDBG) funds as a subrecipient of the State of Nebraska Department of Economic Development. The most recent Subrecipient Agreement (August 2013 - November 2014) was for \$165,000 allocated as follows: Single family owner-occupied rehabilitation (\$82,300), Single family rental rehabilitation (\$50,000), Housing Management administrative expenses (\$17,700), and General Administration (\$15,000). The goal of the City is to rehabilitate five (5) housing units.

The Housing Rehabilitation Program addresses structural repairs, energy conservation and weatherproofing as well as modernization (plumbing, furnace, water heaters, air conditioning) and interior renewal. The goal of the program is to reduce monthly utility costs, improve energy performance, minimize ongoing maintenance for homeowners, preserve the home itself and add to the quality of living. The program is operated by the City of Fremont through its six (6)-member Housing Rehabilitation Board (FHRB). The FHRB board is responsible for the establishment of the program guidelines. The program guidelines state that the City of Fremont complies with the Fair Housing Act. Specifically, the City does not discriminate when loaning housing rehabilitation funds based on race, color, religion, sex, handicap, familial status, or national origin. The guidelines also state that the City permits reasonable modifications of existing dwelling units undergoing rehabilitation to improve accessibility. In addition, the City has its fair housing posters prominently displayed, and of proper size, so they can be read by all persons seeking housing. The City of Fremont's letterhead and all housing brochures bear the Fair Housing Logo.

The City of Fremont conducts a needs assessment every three years as an update to the Comprehensive Revitalization study that was completed in 2005. The purpose of the update is to determine the needs of the 15 community revitalization areas identified by the City. The top priorities identified in the target area are:

- Infrastructure Needs – Sidewalks, Storm Sewer, and Streets
- Public Facility Needs – Neighborhood Parks and Community Center
- Economic Development – Available Jobs and vacant commercial buildings
- Public Service Needs – Police and Fire Protection and Rescue Squad
- Housing Needs – Disrepair, abandonment, and vacancy
- Downtown Improvements – Streets, Sidewalks, building conditions, downtown housing

An evaluation of the City's Comprehensive Revitalization Program for program years 2005 – 2012 was prepared by the Northeast Nebraska Economic Development District. The table below highlights the outcomes of the program. During the period reviewed, 29 owner occupied properties were rehabilitated, 3 rental properties were rehabilitated, 9 properties were acquired and deeded to

Habitat for Humanity, and various infrastructure improvements were made in targeted areas. The City also utilized CDBG funding to conduct its 3-year Needs Assessment Survey. The following accomplishments

Program Year	Accomplishments
2005	<ul style="list-style-type: none"> <li>• Needs Assessment Survey to formulate projects in the target area</li> <li>• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction</li> <li>• 5 owner occupied properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2007	<ul style="list-style-type: none"> <li>• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction</li> <li>• 4 owner occupied properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2008	<ul style="list-style-type: none"> <li>• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction</li> <li>• 4 owner occupied properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2009	<ul style="list-style-type: none"> <li>• Needs Assessment Survey to formulate projects in the target area</li> <li>• 1 property acquired/demolished/deeded to Habitat for Humanity for reconstruction</li> <li>• 8 owner occupied properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2009 Supplemental	<ul style="list-style-type: none"> <li>• Water main replacements completed and an Analysis of Impediments to Fair Housing Study was conducted</li> </ul>
2010	<ul style="list-style-type: none"> <li>• 2 properties acquired/demolished/deeded to Habitat for Humanity for reconstruction</li> <li>• 5 owner occupied properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2011	<ul style="list-style-type: none"> <li>• 3 owner occupied properties rehabilitated</li> <li>• 3 rental properties rehabilitated</li> <li>• Infrastructure improvements in targeted area</li> </ul>
2012	<ul style="list-style-type: none"> <li>• Needs Assessment Survey to formulate projects in the target area</li> </ul>

Fair housing actions taken by the City of Fremont include outreach and educational efforts. The City recently conducted a Basic Fair Housing seminar where 41 people were in attendance including 7 realtors, 4 maintenance staff for rental properties, 1 attorney representing several area landlords, 2 city employees, and 27 landlords. Additionally, the Fremont Family Coalition held a meeting in May 2014 at the

Fremont Public School Administration Building. There were 43 people in attendance including representatives from Fremont Public Schools, United Way, Dodge County Head Start, Low Income Ministry, Lutheran Family Services, Keene Memorial Library, Bridges, Early Childhood Development, Probation Office, Health and Human Services, Care Core, Fremont Habitat for Humanity, Heartland Family Services, Low Income Ministry and Boys Town. The City discussed the CDBG housing rehabilitation programs at this meeting as well as fielded questions regarding the procedure for filing fair housing complaints.

## **Public Housing Authority Policies**

Public Housing is a program funded by the U.S. Department of Housing and Urban Development (HUD) for low-income residents. Annual gross income must be within limits as established by HUD, and eligible families pay a monthly rent equal to the greatest of 30% of their monthly adjusted income or 10% of unadjusted monthly income.

The HUD Section 8 Housing Choice Voucher Program is a federal program for assisting very low-income families, the elderly, and the disabled to secure affordable, decent, safe, and sanitary housing in the private market. Housing assistance is provided on behalf of the family or individual, and participants are able to find their own housing, including single-family homes, townhouses and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. Housing choice vouchers are administered locally by public housing agencies (PHAs). A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live.

Since 1974, HUD has helped low income households obtain better rental housing and reduce the share of their income that goes toward rent through a program that relies on the private rental market. In 1997, 1.4 million households held Section 8 certificates or vouchers, which allow them to rent eligible units in the private market and receive rental subsidies from the federal government. A key parameter in operating the certificate and voucher programs is the Fair Market Rent (FMR).

Since Congress established the Section 8 program in 1974, there have been three definitions of FMRs. The current definition, which became effective in 1995, contains several elements: "The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market." FMRs are set for rental units based on the number of bedrooms. Section 8 rules determine eligible units by household size and the age and sex of children.

The following table shows the FY 2014 FMRs by unit bedrooms for Dodge County, Nebraska:

<b>FY 2014 FMRs By Unit Bedrooms Dodge County, Nebraska</b>					
	<b>Efficiency</b>	<b>One Bedroom</b>	<b>Two Bedroom</b>	<b>Three Bedroom</b>	<b>Four Bedroom</b>
<b>FY 2014 FMR</b>	\$389	\$495	\$654	\$859	\$874

The Fremont Housing Agency has been in existence since 1972.

The Fremont Housing Agency owns and operates 249 public housing units within Dodge County and manages 157 Section 8 Housing Choice Vouchers. The four housing developments operated by the agency are Gifford Tower, Stanton Tower, Somers Point I and Somers Point II.

- Gifford Tower is a 12-story high-rise apartment serving families and Stanton Tower is an 11-story apartment designated as strictly elderly for persons over the age of 62. Gifford Tower has 128 units and Stanton Tower 121 units. A Resident Support Services Coordinator (RSSC) was added to the Fremont Housing Agency staff in 2012 to provide support services to the elderly and disabled residents in Gifford and Stanton Towers. The RSSC provides assistance with medical, nutritional, physical and mental health, transportation, housekeeping, personal care and social/wellness activities as well as case management.
- Somers Point I and II were financed by Nebraska Investment Finance Authority (NIFA) Low Income Housing Tax Credits (LIHTC) and Nebraska Affordable Housing Trust Funds and serve eligible residents 62 years and older. Each development is comprised of 32 two-bedroom units. Handicapped accessible units are available.

Public housing authorities are required to certify that they will carry out the public housing program in conformity with several federal laws, including the Fair Housing Act. A review of the 2013 PHA 5-Year Plan and Annual Plan and the agency's website reveals that the agency has taken specific actions to promote fair housing. The application for assistance states that Fremont Housing Agency programs are designed to assist low to moderate income singles, elderly, persons with handicap or disability, and small families with immediate and long term housing needs. The agency does not discriminate on the basis of race/color, sex, national origin, religion, marital status, disability, familial status or LGBT. Occupancy standards are used to determine the number of persons allowed per bedroom. Other strategies the agency conducts to affirmatively further fair housing include counseling Section 8 tenants on the location of units outside area of poverty and minority concentration and assisting them to locate those units; marketing the Section 8 program outside of poverty/minority concentrations; and providing available housing to eligible persons with mental health issues and working with

partnering organizations to advance affordable housing for elderly persons and families in need of transitional housing.

The Agency has instituted the following training and affirmative marketing strategies to improve its outreach and services to the community:

- Affirmative housing plan in place. Recently submitted to HUD. Increased use of Hispanic and African American targeted newspaper and radio shows. Trying to get to 95% occupancy. Now at 92%.
- Affordable Rental Association training – fair housing and Civil Rights Conference All day training from HUD DEO Office 4-5 years ago. Ensures that new staff gets training. Attending Section 504 – Nebraska NAHRO training, Douglas County Housing Authority board retreat – Fair Housing Center Nebraska Iowa.
- Two year billboard rental, advertisements in local paper and Discount Shopper, on Christian radio station, Advertisements in annual publications for different groups including, Village Profile, Keys to Fremont, Mature Lifestyle, Body and Motion. Dodge County guides, letters to area churches
- 500 copies of annual reports distributed. Conducts open house. Housing Nebraska.gov website. Printed brochures distributed Dodge Collaborative team. Sent reports to locations such as dentist and doctor's offices and Workforce Development.
- Speaking engagements: Lions, Kiwanis and other social clubs. Memorandum of Understanding (MOU) with Low Income Ministries and Eastern Nebraska Office in Aging.

### **City Regulatory Review**

This Section focuses on the review of the local public sector policies to determine if such policies affect housing choice by limiting or excluding housing facilities for persons with disabilities or other protected classes from certain residential areas. HUD believes that there are instances where policies have the effect of violating the provisions of the Fair Housing Act since they may indirectly discriminate against persons with disabilities and minorities that may be homeless.

In order to make this determination, the Consultant examined the City of Fremont's Comprehensive Plan – Blueprint for Tomorrow, the City's Zoning Ordinance, Parks and Recreation Master Plan, and the Long-Range Transportation Plan. In addition to the review of these adopted policies, the Consultant provided a questionnaire to the City to assist in the preparation of the Analysis of Impediments to Fair Housing Choice Study. The purpose of the questionnaire was to review public policies and practices concerning the Zoning Code and Comprehensive Plan as it relates to fair housing choices, particularly housing for persons with disabilities. The following information was garnered from the examination undertaken and the questionnaire.

### Comprehensive Plan

A comprehensive plan is defined as a long-term guide for the development of a community outlining existing conditions and providing goals, policies, and actions to meet future needs as determined by factors such as population, economic conditions, and impacts of regional change. Comprehensive plans are typically developed with input from stakeholders in the community and function as a living document used in the decision making process for current and future community leaders. A comprehensive plan provides guidance for the City's future in regards to the type and intensity of development, land uses, and open space.

The City's first comprehensive plan was adopted by Resolution in 1970. The updated Comprehensive Plan, *Blueprint for Tomorrow*, was adopted in May 2012. *Blueprint for Tomorrow* focuses on several key areas including land use and character, growth capacity, facilities, and infrastructure, housing and neighborhoods, economic development, energy, and implementation.

The purpose of reviewing the City's Comprehensive Plan is to identify to what extent the Comprehensive Plan helps the City to implement its commitment to equal housing opportunity and to what extent portions of the Plan may serve as impediments to fair housing choice for persons protected by the Fair Housing Act (FHA). As such, the review covers five subject areas selected because of their correlation with fair housing choice. These areas are:

- Inclusion of Protected Group Demographic Description
- Plans for Affordable Housing/Diverse Community
- Reference to CDBG or Other Federal Housing Programs
- Affirmatively Further Fair Housing
- Other Civil Rights Related Program Requirements
- Compliance with Applicable Laws and Regulations
- Other Items: Community Participation

### Inclusion of Protected Group Demographic Description

Chapter 1 of *Blueprint for Tomorrow* contains extensive information of the demographic and socioeconomic characteristics of the City of Fremont and eight comparable cities in Iowa and Nebraska: Spencer, Ft. Dodge, Boone, Carroll, Norfolk, Columbus, Hastings, and Kearney. The demographic profile includes information on population trends and projections, age, education, housing and income, and employment. In regards to age, the Comprehensive Plan states that the City has a disproportionate number of retired and mature residents, creating a need for retirement communities, assisted-living facilities, low-impact recreation amenities, and cultural activities. The Plan does not contain data on the number of persons with disabilities, or information on race, ethnicity or national origin. The City's planning efforts included the preparation of a Long-Range Transportation Plan and Parks and Recreation Master Plan. Both of these plans were reviewed to determine if demographic description of protected groups was included. The



review of the documents revealed that neither plan included demographic information by protected group. The Parks and Recreation Master Plan did identify the requirements to make all parks in the City ADA compliant but did not identify the number of persons with disabilities in the City.

Inclusion of information about the race, national origin, familial status, or disability status of persons in a Comprehensive Plan is one way to help remind a community that it is composed of a significant number of persons who are most likely to need the protection of the FHA in their attempts to find or occupy housing in the community. Inclusion in the demographic profile can help ensure that protected group persons are not excluded or neglected when communities make plans that involve housing and community related issues. It is for those reasons that a review of demographic information is undertaken, and it is recommended inclusion of such data in the Comprehensive Plan.

#### Plans for Affordable Housing/Diverse Community

Chapter 4 of the Comprehensive Plan, Housing and Neighborhoods, incorporates findings and data from recent housing studies: the 2005 Greater Fremont Housing Study and the City's 2011 Analysis of Impediments to Fair Housing Choice. The Plan identifies the general principles applied to the City's housing strategy:

- Diverse housing types and price points to accommodate a broad demographic and socioeconomic composition;
- Preservation and prioritization of the existing neighborhoods and housing stock over greenfield development;
- Quality neighborhood design that emphasizes contiguity and system-wide connectivity, with special emphasis on transportation and utility linkages;
- Complementary land use patterns that promote a balanced mix of residential, civic, and commercial functions; and
- Design standards that meet the current and future needs of persons with a disability, in accordance with the Americans with Disabilities Act (ADA).

The Plan includes policies and recommended actions for diverse housing types and affordable housing. The policies for diverse housing include increasing the residential housing in Downtown Fremont by incentivizing more attached single-family homes such as townhomes, condominiums, and row houses as well as multi-family and mixed use projects; developing multi-family housing in accordance with 'visitability' standards which specify that new construction meets the current or future needs of persons with disabilities or may be easily modified to meet such provisions; and using the Zoning Ordinance to guide the types, patterns, and designs of housing developments that complement market demand while preserving and enhancing community and neighborhood character. Recommended actions include requiring inclusion of multiple housing types in developments that exceed a certain density threshold; considering financial, regulatory, and other types of incentives such as expedited review, floor area, or density bonuses to encourage Downtown housing; incorporating density bonuses



for development projects that include larger units for families with children; consider provisions requiring either a minimum percentage or that all ground-floor multi-family units must be ADA accessible, or have ADA compliant units.

Some of the City's affordable housing policies include locating developments near public and private sector services such as schools, parks, transit routes, and medical services; integrating affordable housing into new multi-family developments so that their design complements the surrounding context; providing financial classes to educate renters and potential homeowners of ways to finance and save for housing; and pursuing funding opportunities for first-time homebuyers, low-income families, and persons with disabilities.

The FHA does not define the amount of income or financial resources a person may have as making them a protected class. The FHA does not mandate that communities plan for constructing or assisting in the construction of "affordable" housing nor require that communities be, or advertise themselves as, "diverse communities". However, HUD has recognized that inclusion of "affordable housing" and promotion of a community as a "diverse community" are steps that communities can take to "affirmatively further fair housing". Specifically, HUD requires that housing development activities not have an unjustified discriminatory effect. Racial minorities, some recent immigrants, single mothers with children, and persons with disabilities, all protected by the FHA, are over represented in the low- and moderate-income categories, and are among the persons most likely to need "affordable" housing. Taking steps to address the housing needs of lower income persons and to establish respect for a "diverse" community are therefore viewed by HUD as "affirmative fair housing actions".

#### Reference to CDBG or Other Federal Housing Program

This review is done to determine if the Comprehensive Plan and related documents include a reference to the existence and value of the CDBG and/or other Federal housing programs, as the City is a recipient of those funds. CDBG and other Federal housing program funds are reliable and important parts of the community development programs for communities throughout the nation, including the City of Fremont. Expected uses for CDBG funds can be incorporated into the planning process and can become reliable components of a Comprehensive Plan. Inclusion of references to CDBG and other Federal housing programs in Master Plans also serves as a way to inform residents of the valuable existing relationships and those that can be developed, between Local, State and Federal governments. Review of the Comprehensive Plan, revealed the City will continue to pursue CDBG funds to leverage the amount of reinvestment and to implement projects and programs to eliminate blight and improve neighborhood conditions in low- and moderate-income areas. Potential projects include infrastructure repair, park development or improvements, and removal of unsafe structures. CDBG funds are also identified as a funding source for a microenterprise program for Downtown businesses. The Comprehensive Plan also

includes past uses of CDBG funds for Comprehensive Revitalization projects and for the Fremont Technology Park.

#### Affirmatively Further Fair Housing

Each community that accepts Federal CDBG funds must certify that it will “affirmatively further fair housing”. The City of Fremont is a subrecipient of CDBG funds from the State of Nebraska and the State is responsible for ensuring that the City has taken actions to implement the pledge. Subrecipients are not required to complete an AI under HUD’s regulations but preparation of an AI constitutes an action of the City to affirmatively further fair housing.

As previously mentioned, the City utilized relevant information and findings from its 2011 Analysis of Impediments to Fair Housing Choice as a basis for determining housing policies and recommendations in the Comprehensive Plan. However, HUD’s review of the City’s 2011 AI as part of the State of Nebraska Civil Rights Compliance Review found the City’s AI to be deficient in the following areas: The AI did not identify the housing provisions of the Immigration Ordinance as an impediment (see Legal Cases section of this AI for details on the Immigration Ordinance); the AI did not sufficiently focus on barriers to fair housing choice based on protected classes but instead focused on affordable housing more generally; the AI identified a need for Limited English Proficient (LEP) services but did not list this as an impediment; and the AI did not include specific timeframes and measurable outcomes for the impediments. HUD has stipulated that the City must report to the State the activities it has taken to affirmatively further fair housing and suggested actions the City should take to specifically addressing the effects of the Immigration Ordinance for persons of Hispanic ethnicity.

The key action the City has taken thus far is the procurement of ASK Development Solutions to prepare a new AI that meets the fair housing requirements. The City has also conducted several outreach and educational meetings and has additional meetings planned. The meetings include a Basic Fair Housing seminar and a public meeting held by the Fremont Family Coalition and addressing the procedure for filing fair housing complaints and discussion the CDBG housing rehabilitation programs.

#### Other Civil Rights Related Program Requirements

HUD has started the process of formulating specific regulations to be followed in the preparation of the AI. The new rule proposes to incorporate fair housing planning into the Consolidated Plan and the Public Housing Authority (PHA) Annual Plan processes. When finalized, the new rule will incorporate fair housing priorities into housing, community development, land-use, and other policy making documents. The proposed changes came about as a result of a Report by the US Government Accountability Office where it was determined that HUD needs to enhance its requirements and oversight of jurisdictions’ fair housing plans. HUD’s Office of Fair Housing and Equal Opportunity (FHEO) oversees all fair housing matters including a jurisdiction’s compliance with the Affirmatively Further Fair

Housing (AFFH) certification, included in the Consolidated Plan and Action Plan. Should HUD determine that the AFFH is inaccurate, HUD has the authority to disapprove a Consolidated Plan, which may result in withholding CDBG and other formula grant funds until the AFFH matter is resolved. The FHEO administers, in addition to the Fair Housing Act, other fair housing and civil rights programs such as Title VI of the Civil Rights Act of 1964; Age Discrimination Act of 1975; Title II ADA; Section 3 of the HCD Act of 1968; and Section 504 of the Rehabilitation Act of 1973, as amended.

#### Compliance with Applicable Laws and Regulations

The CDBG Subrecipient Agreement between the State of Nebraska and the City of Fremont requires that the City comply with HUD's administrative requirements including Section 3, the Americans with Disabilities Act, the Architectural Barriers Act of 1968, and any other requirements of the CDBG-assisted project.

#### Other Items: Community Participation in Planning Process

Over 200 community stakeholders including residents, business owners, elected officials, community groups, and municipal departments provided public input guiding the development of the City's Comprehensive Plan, Parks and Recreation Plan, and Long-Range Transportation Plan. The City utilized several methods to inform the community about the Fremont Community Symposium including distribution of 14,000 flyers mailed through utility bills; 2,000 postcards distributed to businesses and individuals for display and further dissemination; 100 personal letters sent from the Mayor and the City Council members; and five community groups were visited by City staff.

It seems that it is the city's practice to seek public input in the planning, and development of plans that impact the community. It appears that the composition of such groups is diverse. However, the exact composition of such groups has to be verified. The City is encouraged to continue with citizen participation activities, and that such activities include persons from all racial, ethnic and religious groups along with persons with disabilities.

#### Zoning Code

Zoning ordinances are enforceable in courts of law by the local community and therefore warrant even closer attention to help ensure that the ordinances help the community "affirmatively further fair housing" and do not, either intentionally or unintentionally, serve as "impediments to the exercise of fair housing choice". The City of Fremont's Zoning Ordinance No. 3939 was adopted in September 2000. The Zoning Ordinances applies to all property within the corporate limits of the City of Fremont and its two-mile extra-territorial jurisdiction.

The purposes of the Zoning Ordinance of the City of Fremont are to:

- a) Serve the public health, safety, and general welfare of the city and its jurisdiction.

- b) Classify property in a manner that reflects its suitability for specific uses.
- c) Provide for sound, attractive development within the city and its jurisdiction.
- d) Encourage compatibility of adjacent land uses.
- e) Protect environmentally sensitive areas.
- f) Further the objectives of the Comprehensive Development Plan of the City of Fremont.

The Zoning Ordinance review covered key areas that have an impact on fair housing choice including zoning, building regulations, accessibility standards, and other policies and practices. The following four subject areas were selected to be reviewed:

- Minimum Lot Size for Single Family Residential
- Definition of “Family”
- Group Living Facilities
- Multi-family Maximum Structure Height and Densities

#### Minimum Lot Size for Single Family Residential

There are several residential zoning districts in the City of Fremont including the Agricultural/Urban Reserve (AG), Lake and River Residential (RL), Rural Residential (RR), Single-Family Residential (R-1), Moderate-Density Residential (R-2), Mixed-Density Residential (R-3), Multiple-Family Residential (R-4), and Mobile Home Residential (R-5).

According to the Zoning Ordinance, the Single-Family Residential District (R-1) is intended to provide for residential development with gross densities generally below four units per acre. These areas are characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Table 4-3 of the Zoning Ordinance, Summary of Site Development Regulations, identifies the minimum lot area, minimum lot width, maximum height and other development regulations by zoning district.

The minimum lot area for single-family detached structures in the R-1 zoning district is 7,500 sq. ft. and the minimum lot width is 75 feet<sup>2</sup>. The minimum lot width in any of the residential districts where single-family detached structures are permitted is 60 feet.

It is important to consider lot size because minimum lot sizes impact affordability and may affect members of the protected classed. Typically, smaller lot sizes provide more opportunities for low- and moderate-income households to purchase or rent affordable housing. Larger lot sizes inflate housing prices due to high land costs. Ultimately large lot sizes may lead to a decrease in the supply of affordable

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<sup>2</sup> For lots served by neither community water nor sewer systems, minimum lot size shall be 1 acre and minimum lot width shall be 200 feet. For lots served by community sewer systems only, minimum lot size shall be 20,000 square feet and minimum lot width shall be 100 feet.

housing since the increased costs are passed on to the property owner or resident. The City must be careful to not impose a minimum lot size that has the effect of excluding or limiting lower cost housing. The minimum lot size and other development regulations should not unnecessarily constrain the supply of affordable housing units that can be constructed on buildable land.

The City does provide a lot size exception which allows the City Council to subdivide lots into parcels that do not meet the minimum requirements in Table 4-3. The subdivision may only be approved when (i) the subdivision will not adversely alter the character of the neighborhood, (ii) the width of the lot shall not be less than 40 feet, depth less than 80 feet, and the total area less than 4,000 sq. ft., and (iii) where the application of the regulations would result in difficulties to, or undue hardships upon the owner of the property. In addition, the City Council may create a lot of less than the required area and/or frontage in any zoning district where the lot will be occupied and used only by a public utility and the lot will be owned by the City of Fremont.

The lack of affordable housing is an issue in Fremont and has been identified as an impediment to fair housing choice. The City should consider allowing small lot development in the single-family residential district as well as utilizing existing substandard lots for residential development as a means to increase the supply of affordable housing. Design standards should be developed that ensure that the desired neighborhood characteristics are maintained.

#### Definition of "Family"

The Fair Housing Act requires that groups of unrelated persons be treated equally as families and held to the same regulatory requirements. The City of Fremont defines a family as one or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than four of whom may be unrelated. The following persons are considered related:

- a) Persons related by blood, marriage, or adoption;
- b) Persons residing with a family for the purpose of adoption;
- c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Nebraska.
- d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Nebraska.
- e) Person(s) living with a family at the direction of a court.

This definition of family has the effect of denying housing opportunities to individuals with disabilities. The definition of family can also have an impact on other protected classes including national origin, race, color, and familial status when a group of unrelated persons choose to live together in one household. The City should revise the definition of family to remove the cap on the number of unrelated persons that may reside in a home. Having this restriction may be considered discriminatory if the policies have a disproportionate impact on persons

protected by the FHA such as minorities. The City can use other standards such as occupancy limits as long as they do not exceed the minimum life and safety standards established by fire or other applicable codes. Use of occupancy limits will prevent overcrowding and maintain neighborhood character.

#### Group Living Facilities

The City indicated in the questionnaire that the Zoning Ordinance does not contain a definition for disability. The Ordinance does not restrict housing opportunities for individuals with disabilities nor onsite housing supporting services. The City allows persons with disabilities to make reasonable modification or provides reasonable accommodation for disabled people who live in municipal-supplied or managed residential housing. There are no areas in the jurisdiction described as exclusive and there are no restrictions for senior housing.

The City's residential use types include group residential and retirement residence. The civic use types include group care facilities and group homes. The definitions of each of these uses are provided below:

- Group Residential: The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.
- Retirement Residence: A building or group of buildings which provide residential facilities for more than four residents of at least sixty years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.
- Group Care Facility: A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than three unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:
  - 1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
  - 2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons
  - 3) Rehabilitation from the effects of drug or alcohol abuse.

- 4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.
- Group Home: A facility licensed by the State of Nebraska in no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

The FHA requires that the same standards applied to single-family residential homes should be applied to group living facilities. Table 4-2 of the Zoning Ordinance specifies the permitted uses by zoning districts. Single-family detached structures are permitted by right in the AG, RR, RL, R-1, R-2, R-3, R-4, R-5, and UC zoning districts. The group residential use is permitted by right in the R-4 district and as a conditional use in the AG, RR, RL, and R-3 zoning districts. Supplemental regulations for the group residential use require a minimum of 250 square feet in the dwelling unit for each resident. Additionally, within the AG and RR districts, no more than six persons in addition to the family of the owner are permitted to reside in an owner-occupied dwelling unit. No more than five persons are permitted to reside in a non-owner-occupied dwelling unit. Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner are permitted to reside in an owner-occupied dwelling unit and no more than seven persons are permitted to reside in a non-owner-occupied dwelling unit.

Retirement Residential use is permitted in R-2, R-3, R-4, and mixed-use urban corridor (UC) districts and requires a conditional use permit in zoning districts AG, RR, RL, R-1, Limited Commercial/Office (LC), Community Commercial (CC), Downtown Commercial (DC), and General Commercial (GC). Group care facilities are permitted in the R-4, CC, DC, and GC zoning districts and as a conditional use in RL, R-3, UC, and LC districts. Group homes are permitted by right in the RR, R-1 R-2, R-3, R-4, R-5, CC, DC, and GC districts. Group homes are conditionally permitted in zoning districts AG, RL, UC, and LC. Supplemental use regulations for group homes permit these facilities in the DC district only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval of a special permit by the City Council with the recommendation of the Planning Commission.

The policy for the siting and development of group residential uses conflicts with the FHA because additional restrictions not required of families are being imposed on the occupants of these group residences that may serve protected groups such as persons with disabilities. The definition of family permits any number of related persons to live in a house but limits the number of unrelated persons. Conversely, the group residential use is permitted by right or as a conditional use in fewer zoning districts, has an occupancy limit and caps the total number of residents depending on the zoning district where the use is located. Also, group residential uses are conditionally permitted in four of the five districts where they are allowed.

The conditional use permitting process is not imposed on families in single-family residences similarly zoned. The conditional use process provides opportunity for residents of communities that are not open to group facilities being located in residential districts to potentially obstruct approval for them during a public hearing thus impacting housing opportunities for persons with disabilities or other protected groups.

#### Multi-Family Maximum Structure Height and Densities

As mentioned above, Table 4-3 provides density and dimensional standards for all zoning districts in the City of Fremont. The maximum height for structures in residential zoning districts is 35 feet with the exception of the R-4 district which has a maximum height of feet and the AG zoning district which has no height limit. Multi-family developments are permitted by right in the R-4 district and conditionally permitted in the R-3, UC, LC, CC, DC, and GC districts if they have less than 12 units. Multi-family developments with 12 units and over are conditionally permitted in the DC zoning district. The effect of excluding multi-family housing and high-density housing from the majority of residential districts is an uneven distribution of housing types throughout the City. Multi-family rental units are generally the more affordable housing option available to lower income residents. Limiting the location of high-density housing may concentrate lower income households and/or members of protected classes in certain areas.

#### Other Comments

**Off-Street Parking:** Article 9 of the Zoning Ordinance provides off-street parking regulations for developments in the City. Off-street parking is required for any new building constructed; for new uses or conversions of existing buildings; or for enlargements to existing structures. Table 9-1 provides the minimum off-street parking requirements by use. The minimum parking requirements for single-family structures is two spaces per dwelling unit. Multi-family residents are required to have 1.5 spaces per efficiency or 1-bedroom unit and two spaces per unit with two or more bedrooms. The Zoning Ordinance also addresses parking for people with disabilities. It states that each off-street parking facility shall provide one accessible parking space for each 25 stalls. The design criteria require that accessible spaces be designed in compliance with the standards of the Americans with Disabilities Act.

**Accessibility Code:** The Developer's Guide states that all buildings and facilities must be designed and constructed to provide accessibility. This includes new buildings, additions, remodel and tenant finishes. Design criteria include requirements for parking places, entrances, doors, stairs, restrooms, water fountains, telephones and elevators.



### **Rental Occupancy License Ordinance**

The housing provisions of the Immigration Ordinance #5165 (Rental Occupancy License) requires future renters to obtain an occupancy license from the City, even if a current renter is moving to a different rental property. Summarizing, the Ordinance requires that a license be obtained by paying a fee and disclosing personal information including citizenship or immigration status, per occupant. The future renter is responsible for submitting the application to the Fremont Police Department. After the request for the license is received by the City, the City issues an occupancy license. If the future renter declares in the application that he/she is not a citizen nor a national of the US, the Police Department will request the federal government to ascertain if the proposed renter is an alien lawfully present in the US. If the renter is not lawfully present in the US, the renter may obtain a correction and provide additional information. If the federal government determines that the renter is not lawfully present in the US, the Police Department will send a revocation notice of the license to the renter and the lessor. The Ordinance states that an occupant who is an alien who subsequent to the beginning of his lease becomes unlawfully present in the US shall be deemed to have breached a condition of the lease. The Ordinance also states that an occupant may not enter into a contract for the rental or lease of a dwelling unit in the City unless the occupant is either a US citizen or national, or an alien lawfully present in the US.

### **Analysis**

Based on demographic changes recorded by the 2000 and 2010 Census, respectively, there has been an increase in protected classes population within the City of Fremont, with the largest increase recorded in the population identified as Latino or of Hispanic origin. Generally when demographic changes occur these changes tend to impact segregation patterns within a jurisdiction, and thus influence fair housing choices. This is documented in the Study conducted during October 2003 by Noah Sawyer and Peter A. Tatian – Segregation Patterns in the District of Columbia 1980 through 2000 – published by DC Data Warehouse and the Urban Institute. This Study measured population changes and segregation in the District of Columbia; and concluded that population changes in the District resulted in racial segregation. The Study defined segregation as the extent to which different groups are separated geographically from each other, and it focused on three different segregation measures: the dissimilarity index, the exposure index, and the diversity index.

In addition to demographic changes, the 2011 AI and the 2014 Draft AI identified insufficient affordable housing as an impediment to fair housing choice.

Given the following factors:

- a) There is insufficient affordable housing, particularly for renters
- b) There is a shortage of accessible housing units

- c) There has been demographic changes in the protected classes, particularly in the population of Hispanic origin, and population changes tend to impact racial segregation and thus fair housing choices,
- d) The Rental Occupancy License Ordinance states that an occupant may not enter into a contract for the rental or lease of a dwelling unit in the City unless the occupant is either a US citizen or national, or an alien lawfully present in the US; therefore, denying renters who are not lawfully present in the US the ability to rent within city limits.
- e) The majority of the aliens not lawfully present in the US happen to be of Hispanic origin,

It can be inferred that the implementation of the Rental Occupancy License Ordinance is an action or decision which may have the effect of further restricting the availability of housing choices on the basis national origin, race, color, disability, or familial status, and fostering segregation based on race.

The City of Fremont Rental Occupancy License Ordinance requires, from every prospective renter, information on citizenship and immigration status. Because every prospective tenant is to follow the same procedure, at first glance, the Ordinance appears neutral. However, since the City, as a recipient of federal funds, is to undertake fair housing planning which involves, according to HUD, the careful examination of those factors which restrict or preclude fair housing choice, including policies, practices or procedures that appear neutral on their face, but which operate to deny or adversely affect the availability of housing to protected classes regardless of immigration status. According to HUD, a person's immigration status does not affect his or her federal fair housing rights or responsibilities.

## Conclusion

The above analysis has shown that the provisions of the Rental Occupancy Licensing are an impediment in itself as it adds an additional step to securing housing especially for members of protected classes, may have the effect of further restricting the availability of housing choices to those protected classes as well, and may foster segregation.

The City is recommended to assess the impact of the Ordinance especially on members of the protected classes, by conducting an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.

## **IV. COMPLIANCE DATA AND ANALYSIS**

### **Introduction**

This section contains an analysis of home loan, community reinvestment and fair housing complaint data. Community Reinvestment Act (CRA) performance ratings and Home Mortgage Disclosure Act (HMDA) data are used in AIs to examine fair lending practices within a jurisdiction. Data regarding fair housing complaints and cases help to further illustrate the types of fair housing impediments that may exist.

### **CRA Compliance**

The Community Reinvestment Act (CRA), enacted by Congress in 1977 (12 U.S.C. 2901) and implemented by Regulations 12 CFR parts 25, 228, 345, and 563e, is intended to encourage depository institutions to help meet the credit needs of the communities in which they operate. The Community Reinvestment Act (CRA) requires the FDIC, in connection with the examination of a State nonmember insured financial institution, to assess the institution's CRA performance. CRA examinations are conducted by the Federal Financial Institutions Examinations Council (FFIEC) of federal agencies that are responsible for supervising depository institutions: the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS).

The CRA requires that each insured depository institution's record in helping meet the credit needs of its entire community be evaluated periodically. That record is taken into account in considering an institution's application for deposit facilities, including mergers and acquisitions. A financial institution's performance is evaluated in the context of information about the institution (financial condition and business strategies), its community (demographic and economic data), and its competitors. Upon completion of a CRA examination, the FDIC rates the overall CRA performance of the financial institution using a four-tiered rating system. These ratings consist of:

- \* Outstanding
- \* Satisfactory
- \* Needs to Improve
- \* Substantial Noncompliance

From 1991 to present, 17 CRA Performance Ratings have been given to banks based within the city limits of Fremont, Nebraska. (It should be noted that a bank may have been rated more than once during this time period.) Ten (10) bank examinations received a rating of "Outstanding", and 7 received a rating of "Satisfactory." No institutions received a rating of "Needs to Improve" or "Substantial Noncompliance." All examinations and ratings are illustrated below, in alphabetical order, by bank/institution name.

**Fremont, Nebraska**

**FFIEC CRA Performance Ratings**

**Table 38**

Exam Date	Bank Name	City	State	FFIEC CRA Rating	Asset Size (in thousands)
01/02/1991	<a href="#">AMERICAN NATIONAL BANK OF FREMONT</a>	FREMONT	NE	Outstanding	\$22,069
09/11/1997	<a href="#">AMERICAN NATIONAL BANK OF FREMONT</a>	FREMONT	NE	Satisfactory	\$35,073
11/16/2001	<a href="#">AMERICAN NATIONAL BANK OF FREMONT</a>	FREMONT	NE	Outstanding	\$87,297
08/20/2007	<a href="#">AMERICAN NATIONAL BANK OF FREMONT</a>	FREMONT	NE	Outstanding	\$151,257
04/01/1991	<a href="#">FIRST STATE BANK</a>	FREMONT	NE	Satisfactory	\$50,000
01/01/1993	<a href="#">FIRST STATE BANK</a>	FREMONT	NE	Outstanding	\$61,000
12/01/1994	<a href="#">FIRST STATE BANK</a>	FREMONT	NE	Outstanding	\$73,884
02/01/1998	<a href="#">FIRST STATE BANK</a>	FREMONT	NE	Outstanding	\$99,745
08/01/2003	<a href="#">FIRST STATE BANK &amp; TRUST COMPANY</a>	FREMONT	NE	Satisfactory	\$130,778
08/01/2008	<a href="#">FIRST STATE BANK &amp; TRUST COMPANY</a>	FREMONT	NE	Satisfactory	\$181,449
10/01/2013	<a href="#">FIRST STATE BANK &amp; TRUST COMPANY</a>	FREMONT	NE	Satisfactory	\$218,737
06/03/2002	<a href="#">FREMONT NATIONAL BANK &amp; TRUST COMPANY</a>	FREMONT	NE	Outstanding	\$342,654
05/10/1995	<a href="#">FREMONT NATIONAL BANK AND TRUST CO.</a>	FREMONT	NE	Outstanding	\$267,060
05/24/1999	<a href="#">FREMONT NATIONAL BANK AND TRUST COMPANY</a>	FREMONT	NE	Satisfactory	\$314,432
05/19/1997	<a href="#">THE FREMONT NATIONAL BANK AND TRUST CO.</a>	FREMONT	NE	Outstanding	\$306,294
01/08/2007	<a href="#">THE FREMONT NATIONAL BANK AND TRUST CO.</a>	FREMONT	NE	Outstanding	\$347,039
02/28/2010	<a href="#">THE FREMONT NATIONAL BANK AND TRUST CO.</a>	FREMONT	NE	Satisfactory	\$304,733

Source: FDIC, <http://www.ffiec.gov/craratings>

In addition, the FFIEC publishes annual Census Reports that use a limited number of demographic, income, population, and housing data from the FFIEC's Census files prepared for HMDA and CRA data. The FFIEC updates the Census Windows Application annually to include income estimates developed by the FFIEC and include CRA distressed/underserved tracts as announced by the federal bank regulatory agencies. These reports were gathered from the FFIEC for Dodge County, Nebraska (the county containing the City of Fremont).

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**Dodge County, Nebraska**

**2013 FFIEC Census Report - Summary Census Demographic Information**

**Table 39**

Tract Code	Tract Income Level	Distressed or Under-served Tract	Tract Median Family Income %	2013 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	2013 Est. Tract Median Family Income	2010 Tract Median Family Income	Tract Population	Tract Minority %	Minority Population	Owner Occupied Units	1- to 4-Family Units
9636.00	Middle	No	92.24	\$57,000	\$52,577	\$50,250	5026	5.45	274	1554	2251
9637.00	Middle	No	100.56	\$57,000	\$57,319	\$54,779	2588	3.21	83	811	1286
9638.00	Middle	No	89.22	\$57,000	\$50,855	\$48,606	5522	11.88	656	1213	1636
9639.00	Middle	No	105.64	\$57,000	\$60,215	\$57,550	3819	17.70	676	1010	1410
9640.00	Middle	No	94.67	\$57,000	\$53,962	\$51,570	3366	10.99	370	1062	1488
9641.00	Upper	No	121.66	\$57,000	\$69,346	\$66,275	4413	5.89	260	1548	1886
9642.00	Middle	No	90.25	\$57,000	\$51,443	\$49,167	4027	16.86	679	689	1540
9643.00	Middle	No	101.62	\$57,000	\$57,923	\$55,357	4894	11.01	539	1304	1925
9644.00	Middle	No	84.79	\$57,000	\$48,330	\$46,190	3036	34.06	1034	814	1448

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

**Dodge County, Nebraska**  
**2013 FFIEC Census Report - Summary Census Income Information**

**Table 40**

Tract Code	Tract Income Level	2010 MSA/MD Statewide non-MSA/MD Median Family Income	2013 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	% Below Poverty Line	Tract Median Family Income %	2010 Tract Median Family Income	2013 Est. Tract Median Family Income	2010 Tract Median Household Income
9636.00	Middle	\$54,473	\$57,000	8.89	92.24	\$50,250	\$52,577	\$40,489
9637.00	Middle	\$54,473	\$57,000	9.94	100.56	\$54,779	\$57,319	\$50,901
9638.00	Middle	\$54,473	\$57,000	18.09	89.22	\$48,606	\$50,855	\$37,771
9639.00	Middle	\$54,473	\$57,000	15.54	105.64	\$57,550	\$60,215	\$39,225
9640.00	Middle	\$54,473	\$57,000	5.90	94.67	\$51,570	\$53,962	\$41,917
9641.00	Upper	\$54,473	\$57,000	9.98	121.66	\$66,275	\$69,346	\$53,482
9642.00	Middle	\$54,473	\$57,000	17.44	90.25	\$49,167	\$51,443	\$39,038
9643.00	Middle	\$54,473	\$57,000	10.04	101.62	\$55,357	\$57,923	\$49,206
9644.00	Middle	\$54,473	\$57,000	23.99	84.79	\$46,190	\$48,330	\$38,641

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

**Fremont, Nebraska**

**2013 FFIEC Census Report - Summary Census Population Information**

**Table 41**

Tract Code	Tract Population	Tract Minority %	Number of Families	# of Households	Non-Hisp White Population	Tract Minority Population	American Indian Population	Asian/Hawaiian/Pacific Islander Population	Black Population	Hispanic Population	Other Population/Two or More Races
9636.00	5026	5.45	1339	2079	4752	274	13	11	12	192	46
9637.00	2588	3.21	743	1111	2505	83	3	7	13	42	18
9638.00	5522	11.88	1335	2129	4866	656	16	33	16	544	47
9639.00	3819	17.70	945	1691	3143	676	18	26	16	589	27
9640.00	3366	10.99	974	1408	2996	370	12	21	37	255	45
9641.00	4413	5.89	1370	1852	4153	260	10	28	7	186	29
9642.00	4027	16.86	998	1504	3348	679	30	21	52	512	64
9643.00	4894	11.01	1390	2074	4355	539	9	50	19	405	56
9644.00	3036	34.06	802	1146	2002	1034	16	14	11	964	29

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013



**Fremont, Nebraska**

**2013 FFIEC Census Report - Summary Census Housing Information**

**Table 42**

<b>Tract Code</b>	<b>Total Housing Units</b>	<b>1- to 4-Family Units</b>	<b>Median House Age (Years)</b>	<b>Inside Principal City?</b>	<b>Owner Occupied Units</b>	<b>Vacant Units</b>	<b>Owner Occupied 1- to 4- Family Units</b>	<b>Renter Occupied Units</b>
9636.00	2328	2251	71	-	1554	-	1554	525
9637.00	1300	1286	49	-	811	-	811	300
9638.00	2409	1636	33	-	1213	-	1213	916
9639.00	1765	1410	52	-	1010	-	1010	681
9640.00	1488	1488	63	-	1062	-	1062	346
9641.00	1886	1886	42	-	1548	-	1548	304
9642.00	1708	1540	71	-	689	-	689	815
9643.00	2124	1925	47	-	1304	-	1304	770
9644.00	1471	1448	40	-	814	-	814	332

Source: Federal Financial Institutions Examination Council (FFIEC), Census Reports, 2013

### **Fair Housing Complaint Data**

Fair housing complaints may be filed with the City of Fremont, HUD, or the Nebraska Equal Opportunity Commission. Housing discrimination complaints may be directed to the following locations. HUD filings may also be done online at: <http://www.hud.gov/complaints/housediscrim.cfm>.

City Administrator City of Fremont 400 E. Military Fremont. NE 68025	Omaha Field Office Edward Zorinsky Federal Building 1616 Capitol Avenue Suite 329 Omaha, NE 68102	Equal Opportunity Commission 1313 Farnam on the Mall 3 <sup>rd</sup> Floor, Suite 4 Omaha, NE 68102
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#### U.S. Department of Housing and Urban Development

When HUD receives a complaint, the department will notify the person who filed the complaint, then notify the alleged violator and allow that person to submit a response. The complaint will be investigated to determine whether there has been a violation of the Fair Housing Act. A complaint may be resolved in a number of ways. First, HUD attempts to reach an agreement between the two parties involved. If achieved, this “conciliation agreement” must lay out provisions to protect the filer of the complaint and public interest. If an agreement is signed, HUD will take no further action unless the agreement is violated, in which case HUD will recommend that the Attorney General file suit. If a person needs immediate help to stop a serious problem being caused by a Fair Housing Act violation, HUD may assist as soon as a complaint is filed. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if irreparable harm is likely to occur without HUD's intervention and there is substantial evidence indicating a violation of the Fair Housing Act.

During the six-year period examined, in the State of Nebraska, there were a total of 138 fair housing complaints filed with HUD on the basis of race, color, national origin, religion, sex, disability, familial status, and retaliation. Each case may have more than one basis for discrimination and the majority of complaints were based on disability and race. Of the 138 complaints, 15 were administratively closed, 2 complaints had a cause determination and were charged with violating the law, conciliation agreements were signed in 47 cases, there were 3 Department of Justice closures, 58 were determined to have no cause, and 7 were withdrawn without resolution.

In Fremont, during fiscal years 2010 through 2013, there were three complaints filed with HUD on the basis of disability and one complaint on the basis of race.

### Nebraska Equal Opportunity Commission

The Nebraska Equal Opportunity Commission (NEOC) is an administrative agency created in 1965 to enforce the public policy of the state against discrimination. The agency receives, investigates, and makes decisions on charges of unlawful discrimination occurring anywhere in the State of Nebraska in the areas of employment, housing, and public accommodations. The NEOC participates in HUD's Fair Housing Assistance Program (FHAP). The FHAP provided funding to State and local agencies that administer fair housing laws certified by HUD as "substantially equivalent" to the FHA or Title VIII of the Civil Rights Act of 1968, as amended.

The Equal Opportunity Commission consists of seven members appointed by the Governor. Member terms are for three years. As the terms of the members expire, the Governor appoints or reappoints the members of the commission for a term of three years to succeed the members whose terms expire. The commission elects one member to serve as chairperson of the commission.

Section 48-1117 of the Nebraska Fair Employment Practice Act outlines the general powers and duties of the commission. These can be summarized as follows:

- To receive, investigate, and pass upon charges of unlawful employment (housing, public accommodations) practices anywhere in the State;
- To hold hearings, subpoena witnesses, take sworn testimony and require the production of documents related to discrimination;
- To cooperate with the federal government and local human rights agencies;
- To attempt to eliminate unlawful employment, housing, and public accommodation practices by means of conference, conciliation, and persuasion; and
- To require that every employer, employment agency, and labor organization, subject to its jurisdiction, make and keep such records relevant to the determination of whether unlawful employment practices have been or are being committed.

The agency's website outlines the complaint process which includes filing the complaint, service, investigation, conclusion, and then determination. Complaints involving housing discrimination must be filed within one year after the alleged discrimination occurred. A NEOC intake investigator explains the relevant laws to the complainant, helps to identify the basis of harm, and explains various jurisdictional issues. If the complainant chooses to file a charge, the intake investigator will prepare a formal charge of discrimination. Once the charge is filed, the NEOC must serve the charge to the respondent within 10 days. Housing respondents have 10 days to prepare their response and produce necessary documents. Housing cases are assigned for investigation at the time of service because of the statutory requirement to complete the investigation within 100 days. During a pre-determination interview, the investigator will review the allegations and the evidence gathered with the complainant. The investigator will also inform

the respondent of the completion of the investigation and offer them an opportunity to furnish additional relevant evidence. The Commission will make a final determination and decide on any subsequent actions to be taken.

During the last five years, NEOC participated in fair housing training and outreach activities in the City of Fremont. In 2010, two meetings in Fremont were attended by NEOC representatives and the NEOC Unit Director concerning a proposed housing ordinance.

It was very difficult to glean specific information on fair housing complaints in the City of Fremont from the NEOC for two main reasons:

- The agency's interpretation of its confidentiality provisions as articulated in letters and emails is that Section 20-330 (2)(b) of the Nebraska Fair Housing Act prohibits the NEOC from providing any information on legal cases and complaints on fair housing. Requests were made for the complainants' personal identifiers such as names, etc., to be redacted or a code number be used. However, the study team was advised that even the use of code numbers would not allow the information to be provided. HUD provides fair housing complaint information using code numbers. The NEOC did provide information in a response to a Public Records Request letter dated May 1, 2014 stating that "the NEOC has no record of any housing charges filed against the City of Fremont over the last five years. However, the response does not address any cases or complaints filed against private agencies such as landlords, property management companies, housing authorities operating in the City of Fremont.
- The NEOC's annual report on fair housing issues seems to be limited to reporting at the County level and not by City.

The annual reporting format by County and the NEOC's interpretation of Section 20-330 (2)(b) of the Nebraska Act makes it difficult to assess the level of housing discrimination within a municipality based on NEOC information. It is also unclear if the NEOC sees a pattern of housing discrimination within a City based on complaints that it will work with that City to address this from a citywide perspective.

#### Fair Housing Center of Nebraska/Iowa

Family Housing Advisory Services Inc. (FHAS) is a non-profit organization that was chartered by the State of Nebraska in 1968. According to the agency's website, its mission is to improve the quality of life by helping people achieve financial and housing stability through education and advocacy.

FHAS operates the Fair Housing Center of Nebraska/Iowa which serves the State of Nebraska and Western Iowa.

Five cases of discrimination filed with the Fair Housing Center of Nebraska/Iowa were in the City of Fremont. Four cases were filed in 2012 on the basis of familial status and one case was based on disability and filed in 2010.

The following tables indicate the fair housing complaints handled by HUD and its Fair Housing Assistance Program (FHAP) partners for fiscal years 2009 through 2014. The information includes the year the complaint was filed, basis of the complaint, and closure status.

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**Fair Housing Cases in Nebraska**

**Table 43**

Bases	Filed Cases																	
	FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			FY 2014		
	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total
<b>Race</b>	6	22	<b>28</b>	5	31	<b>36</b>	19	36	<b>55</b>	13	35	48	9	29	<b>38</b>	2	32	<b>34</b>
<b>Color</b>	0	3	<b>3</b>	1	5	<b>6</b>	5	4	<b>9</b>	1	2	3	0	1	<b>1</b>	0	1	<b>1</b>
<b>National Origin</b>	2	19	<b>21</b>	3	20	<b>23</b>	3	19	<b>22</b>	0	13	13	3	22	<b>25</b>	0	10	<b>10</b>
<b>National Origin – Hisp.</b>	2	10	<b>12</b>	1	14	<b>15</b>	0	15	<b>15</b>	0	8	8	2	13	<b>15</b>	0	6	<b>6</b>
<b>Religion</b>	0	3	<b>3</b>	1	3	<b>4</b>	0	2	<b>2</b>	1	1	2	0	3	<b>3</b>	0	1	<b>1</b>
<b>Sex</b>	1	10	<b>11</b>	0	19	<b>19</b>	3	14	<b>17</b>	1	11	12	2	11	<b>13</b>	0	8	<b>8</b>
<b>Disability</b>	15	41	<b>56</b>	18	54	<b>72</b>	16	53	<b>69</b>	9	62	71	7	51	<b>58</b>	4	36	<b>40</b>
<b>Familial Status</b>	1	10	<b>11</b>	0	11	<b>11</b>	1	27	<b>28</b>	5	17	22	1	17	<b>18</b>	0	13	<b>13</b>
<b>Retaliation</b>	1	12	<b>13</b>	1	19	<b>20</b>	3	17	<b>20</b>	8	12	20	1	13	<b>14</b>	0	8	<b>8</b>
<b>Total Cases</b>	<b>23</b>	<b>92</b>	<b>115</b>	<b>24</b>	<b>111</b>	<b>135</b>	<b>35</b>	<b>127</b>	<b>162</b>	<b>33</b>	<b>118</b>	<b>151</b>	<b>18</b>	<b>109</b>	<b>127</b>	<b>5</b>	<b>80</b>	<b>85</b>

**Completed Cases in Nebraska**

**Table 44**

Case Completion Type	Completed Cases																		
	FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			FY 2014			Total
	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	HUD	FHAP	Total	
Administrative Closure	8	9	17	1	7	8	3	21	24	2	8	10	1	17	18		4	4	81
Cause (FHAP)		5	5		6	6		5	5		4	4		3	3				23
Charged (HUD)							1		1				1		1				2
Conciliated	9	16	25	5	33	38	9	40	49	12	43	55	5	47	52	7	21	28	247
DOJ Closures										3		3							3
No Cause	16	57	73	14	51	65	12	62	74	9	60	69	4	50	54	3	32	35	370
Withdrawn with Resolution	1	2	3	2	1	3	3	1	4	1	4	5		3	3		5	5	23
Total	34	89	123	22	98	120	28	129	157	27	119	146	11	120	132	10	62	72	749

### Fremont Hate Crimes

Any traditional crime, such as murder, arson, or vandalism, can be classified as a hate crime if it is motivated by a bias against a race, religion, disability, ethnic origin or sexual orientation. Because these protected classes significantly overlap those classes protected under the Fair Housing Act, an examination of data on hate crimes is conducted as part of this Analysis of Impediments.

Hate crimes are reported to the Federal Bureau of Investigation (FBI) by jurisdictions. The AI reviewed the latest data for 2008 through 2012 for the City of Fremont. Incidents are reported by number of incidents per bias motivation based on the protected classes of race, religion, sexual orientation, ethnicity, and disability. In 2008, three hate crimes were reported in the City of Fremont. Of the three crimes, two were based on sexual orientation and one on ethnicity. In 2010, of four hate crimes which were reported, three were based on ethnicity and one was based on race. In 2012, two hate crimes were reported, one on the basis of race and the other on the basis of ethnicity. No hate crimes were reported in Fremont in 2009 and 2011.

### **Legal Cases**

#### City of Fremont Immigration Ordinance

In 2008, the Fremont City Council considered a proposed ordinance addressing illegal immigration. Ordinance No. 5165 prohibits the harboring and hiring of illegal immigrants in Fremont. While the City Council did not pass the Ordinance, a group of residents subsequently initiated a petition to request a special election on the proposed Ordinance. In April 2009, the state district court ruled that the special election should be held. The special election was held in June 2010 and the residents of Fremont passed the Ordinance.

The Ordinance is controversial because it will have a disparate impact on Hispanics. The Hispanic population in Fremont represents the second largest ethnic group in the City following White, non-Hispanics. In summary, the Ordinance requires renters to obtain an occupancy license from the Fremont Police Department prior to renting a dwelling in Fremont, requires employers to use the federal E-verify program, and imposes penalties for failing to comply with the Ordinance.

Due to lawsuits filed against the City by the American Civil Liberties Union (ACLU) and the Mexican American Legal Defense and Educational Fund (MALDEF) in federal court, the housing provisions of the Ordinance were suspended as the U.S. District Court for the District of Nebraska held that the Ordinance was in conflict with federal immigration law.

Subsequently, the Eighth Circuit Court of Appeals issued a decision to uphold Ordinance 5165 in the ACLU lawsuit against the city. During 2014 the city council

proposed and held a second referendum on the ordinance asking voter either yes to repeal or no to keep the ordinance: 59.5% voted no, 40.43 voted yes. On April 10, 2014, the housing provision of the ordinance went into effect.

City staff including the City Attorney have developed an information sheet on the housing provisions of the Ordinance. Materials including a Frequently Asked Question (FAQ) sheet were prepared and the City's Fair Housing staff persons has been conducting public information and participation sessions as part of the AI process to address the provisions of the Ordinance. As noted in the section on public participation, there are several myths about the Ordinance that are evident. These include the following:

- Whites are exempt from the Ordinance and it only applies to Hispanics;
- Landlords can only rent to whites and deny any non-white persons housing;
- Landlords must request proof of citizenship from tenants; and
- Landlords will be penalized if a tenant that received a license was determined after the fact to be an illegal resident.

City staff has been convening meetings with various interested groups and has provided opportunities for public comments through focus groups, public meetings and training at all stages of the development of the AI.

HUD conducted a Civil Rights Compliance Review for the State of Nebraska in May 2013 and also provided additional technical assistance on meeting the obligation to affirmatively further fair housing. HUD reviews included the City of Fremont's AI and Ordinance 5165 since the City is a subrecipient of CDBG funds from the State. HUD's review found that the Ordinance's housing provisions if implemented, would be an impediment to fair housing choice because it discourages persons on the basis of national origin from seeking housing. While the City was not found to be in noncompliance with its nondiscrimination nor equal opportunity requirements, HUD outlined several actions that the City must take to mitigate any adverse effects the Ordinance has already had on limiting fair housing choice based on national origin. "The actions include:

- Revising the City's AI to address HUD's comments on the deficiencies of the AI and the impact of the housing provisions of the Ordinance.
- Gathering information through studies or testing on the effect the Ordinance has had on minority rental applications in the City, particularly Hispanics.
- Convening meetings with interested community groups to gather input in how minorities and immigrant groups have been affected by the Ordinance.
- Identifying incidents of housing discrimination taking place in the community by contacting tenant or immigration advocated and referring potential complainants to HUD or NEOC.
- Conducting targeted fair housing testing based on reports of discrimination by certain landlords.
- Creating a stronger countywide or regional network of organizations that may hear about instances of housing discrimination.



- Developing and implementing a fair housing education and outreach program for the City and/or partner with surrounding communities or the State to ensure that City officials, real estate professionals, landlords, tenants, and all residents are knowledgeable about fair housing laws.
- Conducting outreach and education with businesses, banks, residential insurance salespersons and brokers, residential landlords, and real estate professionals.
- Implementing a fair housing and diversity education program in local schools.
- Using media outlets as part of the fair housing outreach efforts.
- Coordinating education and outreach efforts with NEOC, Fair Housing Center of Nebraska-Iowa (FHC), and High Plains Community Development Corporation.”

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## **HMDA Data Analysis**

The Home Mortgage Disclosure Act (HMDA) was enacted by Congress in 1975 and was implemented by the Federal Reserve Board's Regulation C. On July 21, 2011, the rule-writing authority of Regulation C was transferred to the Consumer Financial Protection Bureau (CFPB). This regulation provides the public loan data that can be used to assist in determining whether financial institutions are serving the housing needs of their communities; public officials are distributing public-sector investments so as to attract private investment to areas where it is needed; and possible discriminatory lending patterns can be identified. Using the loan data submitted by the financial institutions, the Federal Financial Institutions Examination Council (FFIEC) creates aggregate tables for each metropolitan statistical area (MSA) or metropolitan division (MD) (where appropriate), and individual institution disclosure reports.

HMDA data consist of information about mortgage loan applications for financial institutions, savings and loans, savings banks, credit unions and some mortgage companies. The data contain information about the location, dollar amount, and types of loans made, as well as racial and ethnic information, income, and credit characteristics of all loan applicants. The data deemed most pertinent to this report and analyzed herein is limited to loan denial rates by location within areas of racial/ethnic and income distinction for loans for one to four family dwellings and manufactured homes, but excluding data on loan applications for investment purposes (non-owner occupancy). Three types of loan products were included: home-purchase loans (conventional and government-backed), refinancing, and home improvement loans.

HMDA provided the disposition of various types of loan products at the Census Tract level, which were extracted and displayed for each individual tract comprising the City of Fremont. These tracts were analyzed to identify those whose median income (in relation to the MSA) fell below that of the City as a whole, and those with a significantly higher minority concentration than the citywide rate. Specifically, data was analyzed pertaining to the disposition of loan applications by the minority and income characteristics of the Census Tract in which the subject property of the loan was located to identify if there were any discernible patterns that might suggest discriminatory lending practices based on race.

In the best effort to most accurately portray HMDA data for the City, only those tracts were utilized that were either entirely within the City or whose area fell predominantly within City boundaries. Certain tracts where only a small area fell within the City boundaries were excluded from the calculations. It should be noted, discriminatory lending practices cannot be definitively identified by correlation of HMDA data elements; however, the data can display real patterns in lending to indicate potential problem areas.

### General Loan Application Data

HMDA data is available for the three-year period, 2010-2012. The most recent available HMDA data is for the 2012 calendar year and was utilized in this analysis (extracted from HMDA Flat Files, 2010-2012). In summary, among the census tracts analyzed, there were 1,139 loan applications made for purchase, refinancing, or improvement of owner-occupied homes. Of this total, 114 applications (10.0%) were denied. There were 63 minority loan applications and 9 (14.3%) of those application were denied which is a higher denial rate than for non-minority loans.

The following tables show a breakdown of census tract data extracted from HMDA for the City of Fremont including a review of the denial rate and minority denial rate by loan product.

**Loan Applications and Denials, Minority Percentage, and Percent of MSA Median Income by Census Tract, City of Fremont, 2007-2012 Table 45**

Census Tract	Total Applications	Total Denials	Denial Rate	Total Minority Applications	Minority Denials	% Of Minority Denials	Median Income as % of MSA	2012 Tract Minority %
9638	146	14	9.6%	7	1	14.3%	89.22	11.9
9639	130	18	13.8%	8	2	25.0%	105.64	17.7
9640	145	13	9.0%	7	0	0.0%	94.67	11.0
9641	295	20	6.8%	12	1	8.3%	121.66	8.9
9642	141	15	10.6%	8	0	0.0%	90.25	16.9
9643	214	20	9.3%	14	2	14.3%	101.62	11.0
9644	68	14	20.6%	7	3	42.9%	84.79	34.1
	<b>1,139</b>	<b>114</b>	<b>10.0%</b>	<b>63</b>	<b>9</b>	<b>14.3%</b>		

Source: Data extracted for City of Fremont from HMDA, LAR Files

Census Tracts where the denial rate exceeds the City average of 10% are highlighted in **YELLOW**.

"Minority tracts" are those where the minority % exceed the City total (12.5%) by at least 5% (for a total of 17.5% or greater). These are highlighted in **RED**.

### Analysis of Denial Rates for Minority Census Tracts

For purposes of this analysis, a "minority" tract is defined as a census tract where the minority concentration is at least 5% greater than that of the City of Fremont as a whole (12.5% based on FFIEC Census data for 2012). Therefore, tracts with 17.5% or greater minority population would be considered "minority." Among the seven identified Fremont City tracts, two met the definition being used for "minority", tracts 9639 and 9644. Both had an application denial rate higher than the City as a whole (10.0%). Collectively, in the "minority" tracts there were 198 applications and 32 denials, for a denial rate of 16.2%, which exceeds that of the City by 6.2%. This would appear to indicate some discrimination in lending based on property location in areas of minority concentration. However, it is important to examine income characteristics as well.

Three census tracts within the City of Fremont exhibit median incomes that are higher than that of the MSA. None of the census tracts met HUD's definition of low- and moderate-income (less than 80% AMI).

One census tract, 9644, is a "minority" tract and also has a percentage of the MSA median income that is lower than that of the City as a whole. The median income level was 84.79%. This is also the tract with the lowest income level within the City of Fremont. The other "minority" tract, 9639, has the second highest income level at 105.64% of MSA. The "minority" census tract with the higher income level has a denial rate of 13.8% (3.8% higher than the City average) and the "minority" census tract with lower income has the highest denial rate of all the census tracts, 20.6% (10.6% higher than the City average). These income characteristics do not necessarily suggest discriminatory practices based on income level but could mean that lower income households may be facing other challenges such as creditworthiness, low paying jobs, and higher debt and are unable to qualify for a loan. However, when the denial rate for minority applications in the same census tracts is considered, there appears to be a disproportionate impact for minority households seeking a loan. In census tract 9639, the denial rate for minority applications is 25%, over 10% points higher than the average denial rate for minority applications which is 14.3%. Additionally, in census tract 9644, the denial rate for minority application is 42.9%, 28.6% points more than the average denial rate for minority applications.

In looking at the seven Fremont census tracts, three had denial rates higher than the City average. Typically, there is a correlation between high denial rates and low median income however that is not the case in Fremont. While the census tract with the highest denial rate (9644) of 20.6% is also the tract with the lowest median income (84.79%), the other two tracts with the highest denial rates were 9639 and 9642 with denial rate of 13.8% and 10.6%, respectively. One of these two tracts also had median income lower than the MSA (9642 at 90.25% of AMI) but tract 9639 which has a median income of 105.64% of the MSA also has the second highest denial rate of 13.8%. Four census tracts had denial rates lower than the average. Two of these tracts (9641 and 9643) had median income above that of the MSA, 121.66% and 101.62% of AMI, respectively. The other two tracts (9638 and 9640) had lower median incomes of 89.22% and 94.67% of AMI, respectively.

Overall, the data indicates that the elevated denial rate in the two minority tracts is based not on the income characteristics of the tracts (84.79% and 105.64%) but rather the racial/ethnic characteristics. The HMDA data suggests that there may be discriminatory lending based on race/ethnicity characteristics of property location within the City of Fremont. A definitive conclusion would require a greater degree of analysis taking into consideration additional data not available from HMDA at the geographic level specific to the City of Fremont. Maps 14 and 15 will give a visual presentation of the data analyzed in this section.

**Home Purchase Loans Applications, 2007-2012**

**Table 46**

Census Tracts	Home Purchase Loans (Conventional) Applications	Home Purchase Loan Denials (Conventional) Application Denials	Home Purchase Loan (Conventional) Applications Denial Rates %	2012 Tract Minority %
9638	14	0	0.0%	11.9
9639	20	2	10.0%	17.7
9640	23	0	0.0%	11.0
9641	44	1	2.3%	8.9
9642	24	1	4.2%	16.9
9643	22	1	4.5%	11.0
9644	9	0	0.0%	34.1

**Refinance Loan Applications, 2007-2012**

**Table 47**

Census Tracts	Refinance Loan Applications	Refinance Loan Application Denials	Refinance Loan Applications Denial Rates %	2012 Tract Minority %
9638	82	6	7.3%	11.9
9639	74	9	12.2%	17.7
9640	51	8	15.7%	11.0
9641	190	12	6.3%	8.9
9642	73	5	6.8%	16.9
9643	123	14	11.4%	11.0
9644	45	8	17.8%	34.1

**Home Improvement Loan Applications, 2007-2012**

**Table 48**

Census Tracts	Home Improvement Loan Applications	Home Improvement Loan Application Denials	Home Improvement Loan Applications Denial Rates %	2012 Tract Minority %
9638	4	1	25.0%	11.9
9639	6	1	16.7%	17.7
9640	2	0	0.0%	11.0
9641	4	1	25.0%	8.9
9642	7	2	28.6%	16.9
9643	4	0	0.0%	11.0
9644	5	3	60.0%	34.1

Tables 49-51 examine total conventional loan denials by loan purpose. There are three classifications for loan type: conventional, FHA, and VA loans. Conventional loans are loans that are not guaranteed or insured by the federal government

under the Veterans Administration (VA), the Federal Housing Administration (FHA), or the Rural Housing Service (RHS) of the U.S. Department of Agriculture. FHA and VA loans are backed by the government, meaning that the FHA or the Department of Veteran's Affairs promises to pay lenders if a borrower defaults on the loan. Borrowers must meet certain requirements to be eligible for each loan type. Of the 1,139 loan applications made between 2007 and 2012, 826 or 72.5% were conventional loans. The majority of loan applications in the City of Fremont were for refinancing (77.2%), followed by home purchase loans (18.9%) and home improvement loans (3.9%). The loan denial rates for refinancing loans was 11.2% and the denial rate for home purchase loans was 4.3%. Home improvement loans had a denial rate of 31% but this is skewed by the small number of home improvement loan applications.

Tables 49 and 50 further examines the denial rates by race/ethnicity by loan product. The majority of the loan applications across all loan products in Fremont were made by White households, 870 applications, followed by Hispanics with 58 applications. The denial rate for Whites for all loans was 11.1% compared to 15.5% for Hispanics. For home purchase loans, minorities had a 4.8% denial rate and Whites had a 6.2% denial rate. While, for refinance loans, minorities had a 15.4% denial rate and Whites had an 11.9% denial rate. Home improvement loan data is again skewed by the small number of applications.

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**Analysis of HMDA Activity**

**Table 49**

Analysis of Home Mortgage Disclosure Act Data HMDA Activity for Fremont, NE 2007-2012						
	# Apps.	% of Apps.	# Denied	% Denied	# Orig	% Orig
<b>Home Purchase Loans</b>						
Minorities	21	6.5%	1	7.1%	14	7.5%
Whites	211	65.5%	13	92.9%	154	82.4%
Not Provided	15	4.7%	0	0.0%	13	7.0%
Not Applicable	75	23.3%	0	0.0%	6	3.2%
<b>Home Improvement Loans</b>						
Minorities	3	7.1%	2	15.4%	1	4.0%
Whites	36	85.7%	10	76.9%	23	92.0%
Not Provided	2	4.8%	0	0.0%	1	4.0%
Not Applicable	1	2.4%	1	7.7%	0	0.0%
<b>Refinance Loans</b>						
Minorities	39	5.0%	6	6.9%	20	4.3%
Whites	623	80.4%	74	85.1%	424	90.6%
Not Provided	36	4.6%	7	8.0%	19	4.1%
Not Applicable	77	9.9%	0	0.0%	5	1.1%
<b>All Loans Purpose</b>						
Minorities	63	5.5%	9	7.9%	35	5.1%
Whites	870	76.4%	97	85.1%	601	88.4%
Not Provided	53	4.7%	7	6.1%	33	4.9%
Not Applicable	153	13.4%	1	0.9%	11	1.6%

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## Comparison of Loan Originations

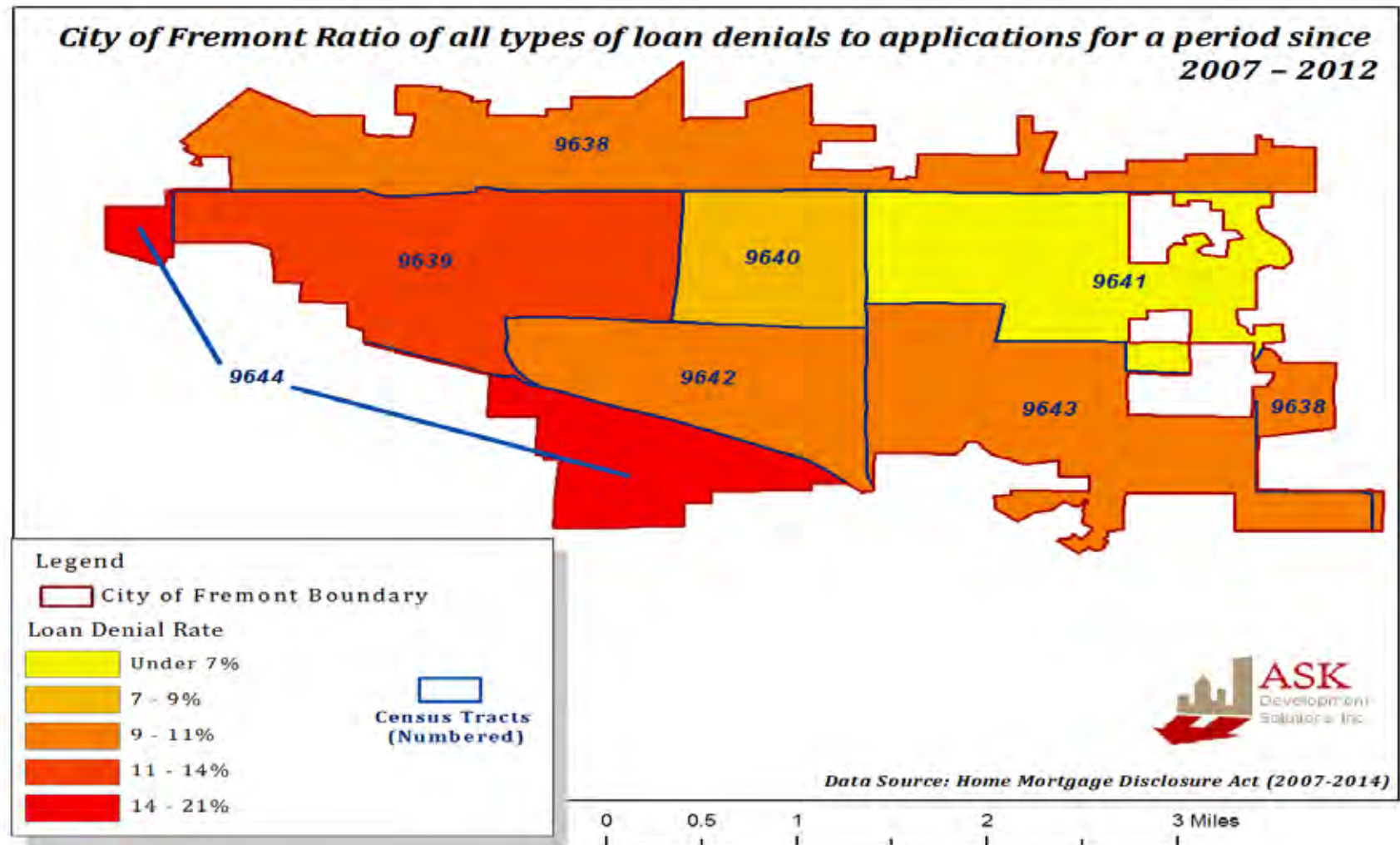
Table 50

Home Mortgage Disclosure Act (HMDA) Analysis Comparison of Originations Within Categories Fremont, NE 2007-2012					
Loan Type	Number of Applications	Number of Originations	Percent of Originations	Number of Denials	Denial Rate
Conventional	826	535	64.8%	75	9.1%
FHA	237	99	41.8%	31	13.1%
VA & Other	76	46	60.5%	8	10.5%
Race & Ethnicity					
White	870	601	69.1%	97	11.1%
Black or African-American	2	2	100.0%	0	0.0%
Hispanic American	58	31	53.4%	9	15.5%
Indian or Alaska Native	1	1	100.0%	0	0.0%
Asian	1	1	100.0%	0	0.0%
Other	1	0	0.0%	0	0.0%
Not Provided	53	33	62.3%	8	15.1%
Not Applicable	153	11	7.2%	0	0.0%
Loan Purpose					
Home Purchase	322	187	58.1%	14	4.3%
Home Improvement	42	25	59.5%	13	31.0%
Refinance	775	468	60.4%	87	11.2%

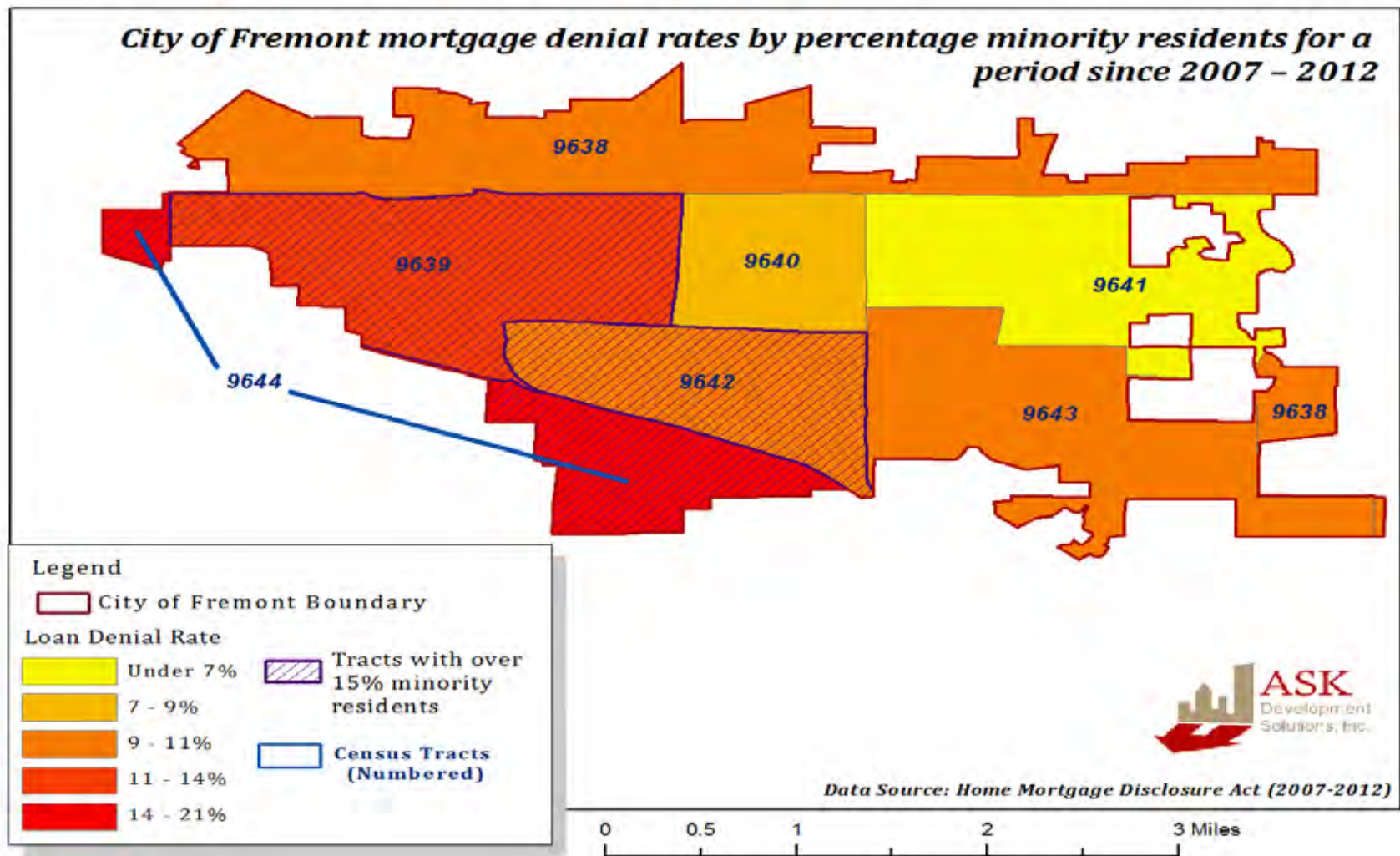
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Map 13 – Fremont Loan Denial Rates 2012



Map 14 - Fremont Loan Denial Rate by Percentage Minority Residents 2012



## **V. PUBLIC OUTREACH**

### **Introduction**

This section summarizes the results of the surveys, public meetings, and key person interviews conducted as part of the public outreach process for the Fremont AI. In addition, this section gives a brief overview of fair housing public outreach conducted by stakeholders in Fremont. The consultant conducted an online and written survey available to all Fremont residents, industry stakeholders, area Realtors, and lending institutions. The survey asked respondents about their experience and perception of housing discrimination, knowledge of fair housing laws, experience with Fremont housing assistance and social service programs, and opinions about housing and social service needs in the city. ASK and City staff also directly administered surveys, conducted public meetings, and held key person interviews with housing providers and fair housing agencies.

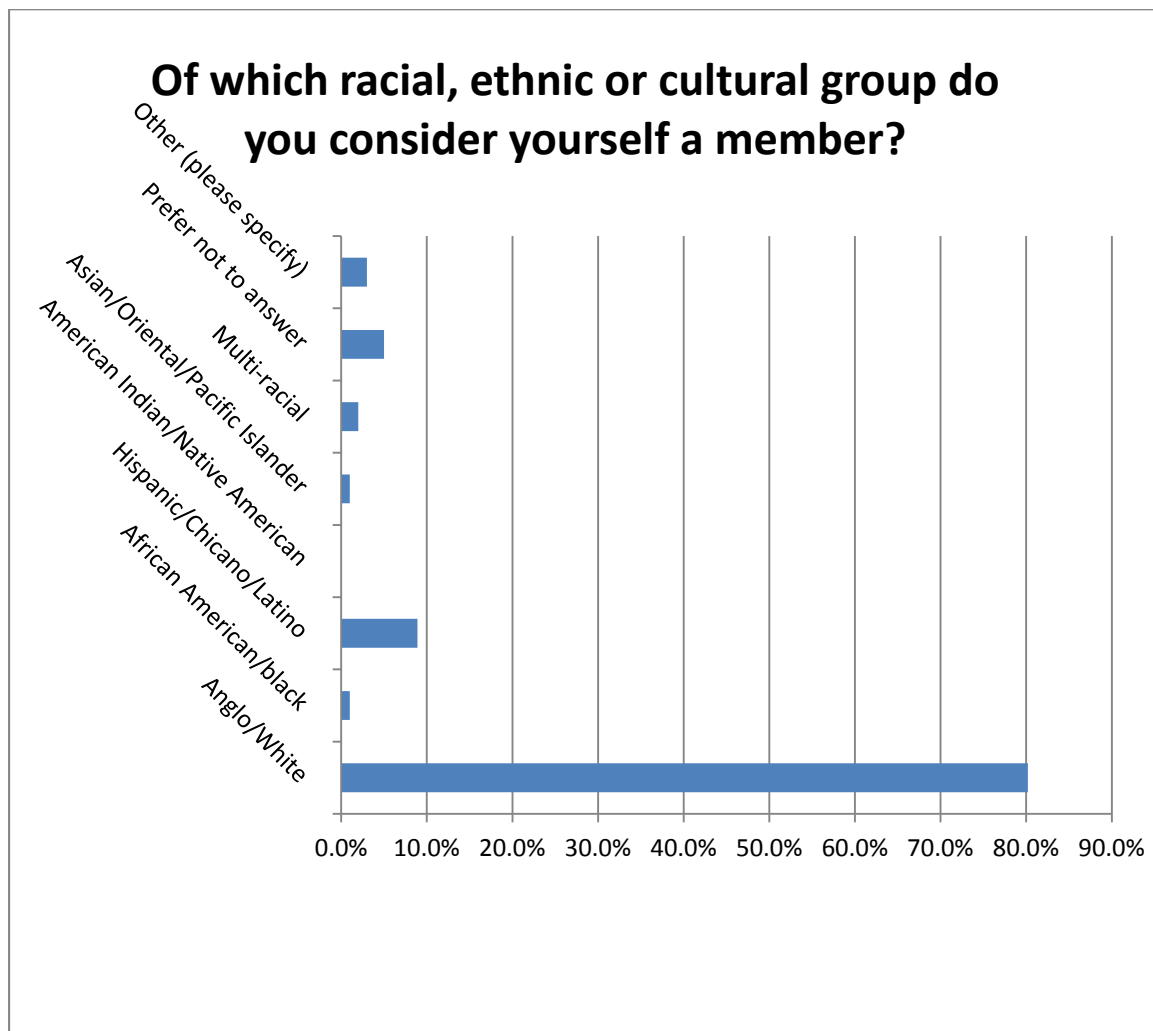
ASK developed fair housing surveys for residents, housing service providers, Realtors, and lending institutions. A Spanish language version of the survey was available for residents. Copies of the survey were available in alternative format, upon request. A fair housing survey link was posted on the City's website at [www.fremontne.gov](http://www.fremontne.gov) from March 12, 2014 to June 1, 2014. The surveys were also posted on the City's Facebook page once a week from March 12, 2014 to June 30, 2014. Please refer to the Appendix section of the AI to view the survey instruments. The findings from these activities are discussed in turn.

### **Citizen Surveys**

An online, 26-question fair housing survey was designed by ASK and available for all residents to complete via <http://www.surveymonkey.com>, and as distributed by City of Fremont staff. The survey was opened in March 2014 and was completed by 105 Fremont area residents, 5 of which were submitted in the Spanish language version.

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Race/Ethnicity



Of the residents surveyed, 81 persons (80.2%) are Anglo/White; 1 (1.0%) is African American or Black; 9 (8.9%) are Hispanic/Latino ethnicity; none are American Indian/Native American; 1 (1.0%) is Asian; 2 (2.0%) are Multi-racial; 5 (5.0%) preferred to not answer; and 3 (3.0%) are Other.

According to the 2010 Census, the racial makeup of the community was 89.2% Anglo/White; 0.7% Black or African American; 0.6% American Indian/Native American; 0.6% Asian; and 1.6% other races, including two or more (1.6%). Nearly 12% of the Fremont population identified themselves as being of Hispanic/Latino ethnic origin. Therefore, the survey respondents identifying themselves as Hispanic/Latino ethnicity are the most underrepresented group, according to actual population.

### Marital Status

Of the residents surveyed, 69 persons (68.3%) are married; 19 (18.8%) are single head of household; 7 (6.9%) are divorced; 4 (3.9%) are domestic partners; and 2 (1.9%) preferred not to answer.

### Disability Status

Of the residents surveyed, 18 (18.0%) stated that they or someone in their household had a disability or handicap. Eighty-two (82.0%) respondents answered that none had a disability or handicap.

### Familial Status

The citizen survey asked respondents to state whether their household included children less than 18 years of age. Forty-six persons (45.5%) answered that they had children under 18 years of age, and 55 (54.5%) answered that they did not.

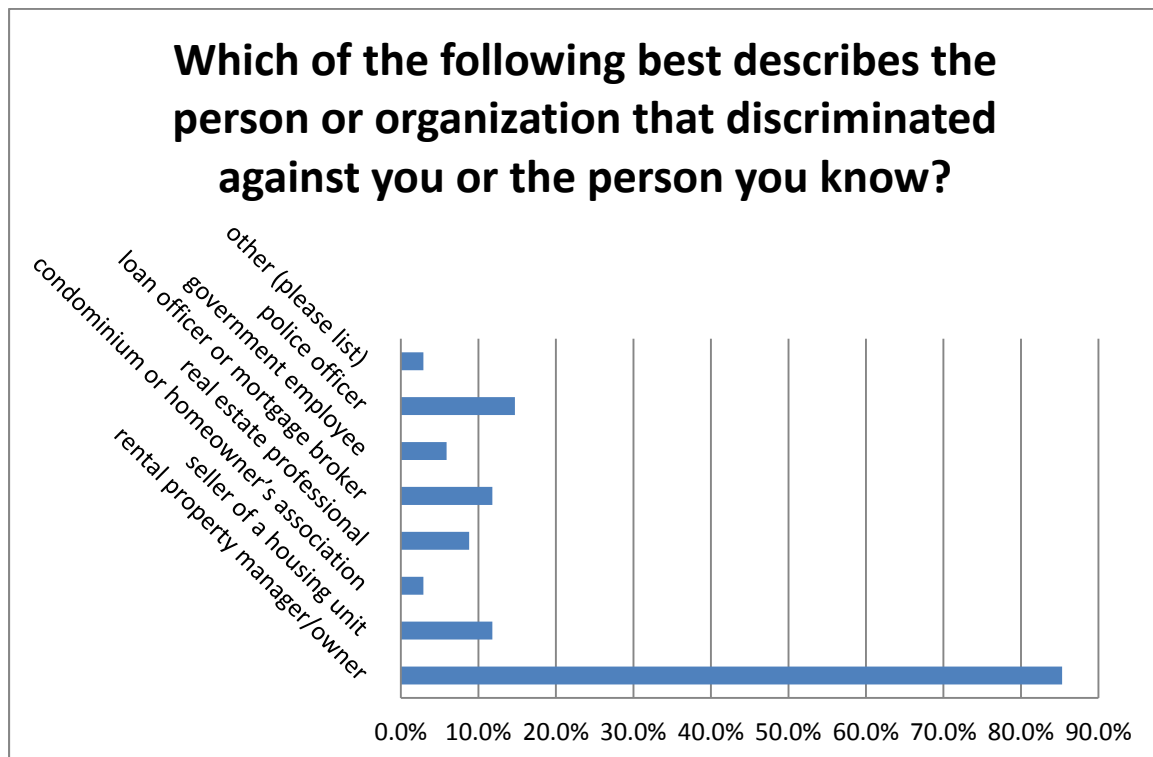
### Housing Discrimination

Survey respondents were asked to identify ways in which housing discrimination can occur, based on list of general categories. The following responses were recorded.

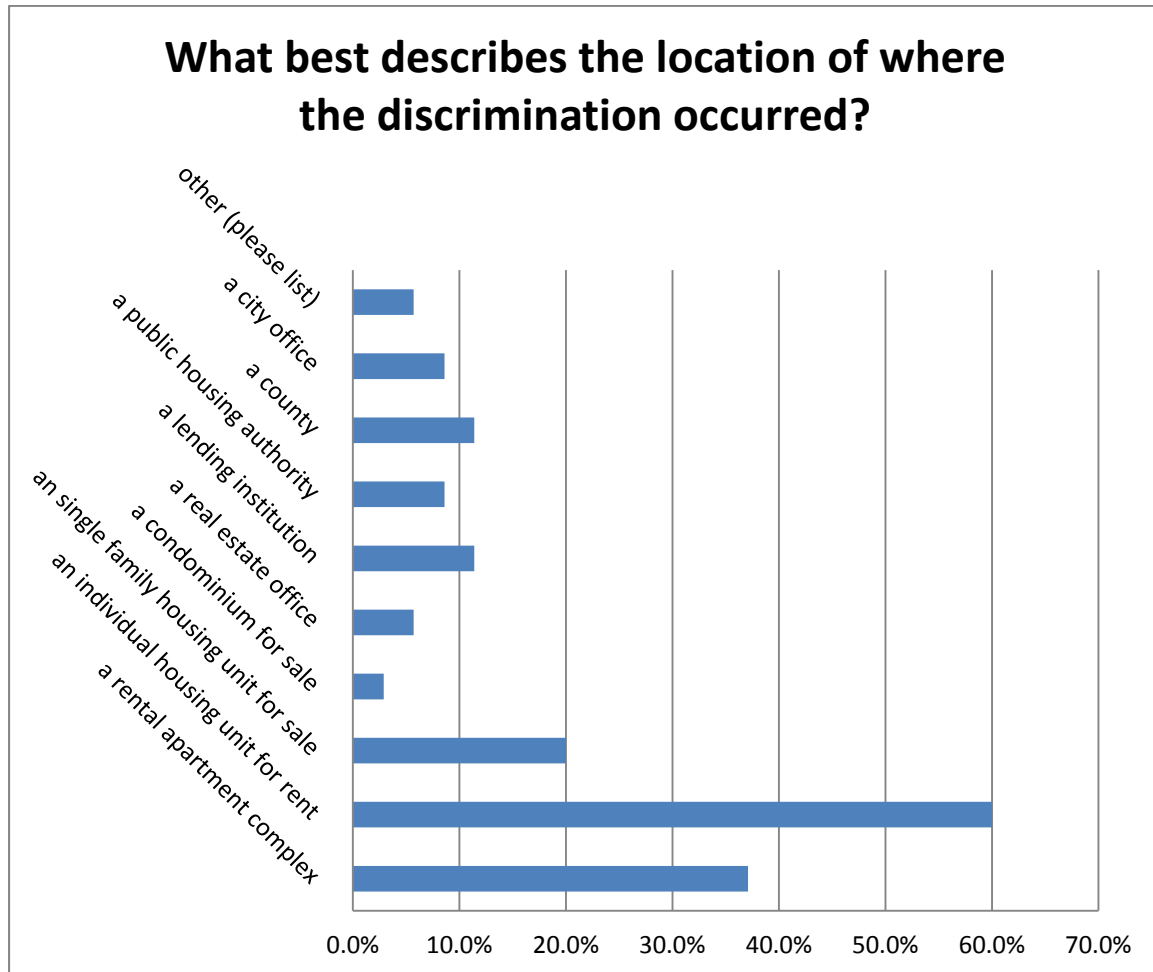
**Table 51**

Areas in Which Housing Discrimination Can Occur		# of Respondents	% of Responses
Race		82	90.1%
Color		79	86.8%
Religion		77	84.6%
Sex		75	82.4%
Disability/Handicap		75	82.4%
National Origin		75	82.4%
Familial Status (family w/ one or more children under 18 years of age)		71	78.0%
Age		70	76.9%
Sexual Orientation		68	74.7%
Level of Income		65	71.4%
Citizenship Status		62	68.1%
Poor English Language Skills		61	67.0%
Source of Income (Public Assistance)		59	64.8%
Other:	Legal Intimidation Single Parent Level of Education (2 responses) Any of the above Illegal Immigration Status	6	6.6%

Of the survey respondents, 17 persons (16.8%) felt that they had experienced housing discrimination; 21 persons (20.8%) knew of someone who had; and 67 persons (66.3%) had not experienced housing discrimination (did not have first- or second-hand knowledge). These numbers reflect a significant portion of the survey group (37.6%) having first- or second-hand knowledge of housing discrimination. Further analysis of responses will show where/how the discrimination occurred, which is important in pinpointing what/where impediments may exist in Fremont.



Thirty-four respondents indicated the person/organization(s) they feel are responsible for housing discrimination. Respondents were able to select more than one response. Of these responses, 29 (85.3%) indicated discrimination by a rental property manager/owner; 5 (14.7%) by a police officer; 4 (11.8%) by a loan officer or mortgage broker; 4 (11.8%) by the seller of a housing unit; 3 (8.8%) by a real estate professional; 2 (5.9%) by a government employee; and 1 (2.9%) by a condominium or homeowner's association.



There were 35 responses that listed the location where housing discrimination occurred, and respondents were able to indicate more than one location. The largest number of respondents (21, or 60.0%) indicated that discrimination occurred at an individual housing unit for rent, and 13 (37.1%) at a rental apartment complex. Based on the composite answers to this question and the previous questions, discrimination occurring at rental homes and apartments is perceived as an impediment to fair housing choice in Fremont.

Survey respondents that experienced housing discrimination were asked to state the basis of such discrimination. The following responses were given.

**Table 52**

Basis of Housing Discrimination	# of Respondents	% of Responses
Race	18	50.0%
Poor English Language Skills	14	38.9%
Familial Status (family w/ one or more children under 18 years of age)	10	27.8%



Basis of Housing Discrimination	# of Respondents	% of Responses
National Origin	10	27.8%
Color	10	27.8%
Level of Income	9	25.0%
Age	6	16.7%
Citizenship Status	6	16.7%
Sex	5	13.9%
Disability/Handicap	5	13.9%
Sexual Orientation	3	8.3%
Religion	3	8.3%
Source of Income (Public Assistance)	2	5.6%
Other: Single Parent of a Young Child	1	2.8%

Of the 28 listed responses to this question, Race was most frequently noted as the basis of housing discrimination (included in 50.0% of responses); followed by Poor English Language Skills (38.9%); and Familial Status (27.8%). Survey respondents stated that discrimination occurred for reasons based on the protected classes and other areas of perceived discrimination, such as level and source of income. While some of the other reasons that persons identify for housing discrimination are not federal protected classes, they have the potential for disparate impact on members of the protected classes and/or may be included in local or state definition of protected classes. Over 35% of persons surveyed felt that there was inadequate fair housing information available in other language translations. Based on these results, it is recommended that the City specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.

#### Familiarity with Housing Programs and Fair Housing Law

Based on the survey results, Fremont residents are **not** well-informed about fair housing rights and responsibilities. Only 24.2% (24 persons) surveyed are familiar with fair housing or social services provided by the City of Fremont. None of the Spanish language survey respondents were familiar with fair housing or social services provided by the City of Fremont. In addition, nearly 50% of respondents (47 persons) have not seen/heard information regarding fair housing programs, laws, or enforcement within the City of Fremont.

Of the 99 respondents that answered the question regarding knowledge of Fair Housing laws, only 9 (9.1%) considered themselves to be Very Knowledgeable; 60 (60.6%) as Somewhat Knowledgeable; and 30 (30.3%) as Not Knowledgeable. When asked if current fair housing laws and enforcement mechanisms are effective, 23% felt they are Very Effective, 46% felt that they are Somewhat Effective, and 31% felt that they are Not Effective.



### Housing Choice and Housing Supply

When asked about the current impediments to fair housing choice in Fremont, the largest impediment to fair housing is shown as being Race/Color/Ethnicity/National Origin (50 or 65.8%). Of the residents surveyed, 40 (52.6%) felt that Lack of Sufficient Quality Affordable Housing was a current impediment; followed by Insufficient Income (34 or 44.7%); Municipal Code/Ordinances/Regulations (35 or 46.1%); Disability and/or Age (22 or 28.9%); Sex and/or Sexual Orientation (22 or 28.9%); and Insufficient Public Transportation (22 or 28.9%); and other survey answers. Of the 10 responses for "Other," respondents provided the following answers (some were repeated):

- Ordinance 5165
- Being recently divorced from a ten year marriage, I have four kids told that places I can afford are not for that many children.
- Rental rates way too high and credit as basis for renting too, for white people.
- I don't see an impediment other than illegals renting.
- State Senator (who) makes racist comments.
- None. This is a biased study.

Of the residents surveyed, 38.0% felt that housing choices are geographically limited to certain areas or neighborhoods in the City of Fremont, while 62.0% did not. The residents that felt that geographical limitations exist named the following reasons (many of these responses were repeated in various forms):

- Affordability
- The town seems divided into lower, middle and higher income neighborhoods. West, middle and East sides of town.
- Close to children's schools, work, and highway.
- Income
- The less expensive housing is farther from my work.
- Landlords tend to rent high in a town with little jobs. Broken down houses are cheaper.
- My brother is with ENCOR, his last landlord refused to allow handicap devices to be installed in the home, yet they had to fulfill their lease, last year. I now own a home, but of the people I know, they can only afford run down properties due to the wages paid in Fremont.
- Do not want to live in any area predominantly Hispanic, so really limits where I could live.
- Affordability? Doesn't everyone have to live within their means? We would all love to live in a mansion, until it comes time to vacuum or pay the taxes.
- Even though our whole family has been born and raised in Fremont, we are local business owners, homeowners, we are all fair skinned, my husband and I are college educated, and involved in our church and community, there are still some neighbors who are unsure of us because of our Hispanic last name.
- Insufficient public transit.

- Rental houses in my price range to small... Divorce ruined my credit... I'm starting from scratch with four kids to raise.
- I want to live within my means.
- I believe they are grouped together, which brings the value of the neighborhood down. Why can't they be more sporadically located, which may also bring down crime?

Fifty-three respondents (54.1%) felt that affordable housing options are concentrated in certain projects/areas/neighborhoods, although 45 respondents (45.9%) felt that affordable housing options are spread throughout the City of Fremont. When asked to identify the areas with concentrated affordable housing, the answers included the following (many of these responses were repeated):

- South, Central and West sides.
- White neighborhoods.
- Regency Trailer Park (and all of the south side of town/Washington Elementary school area). Along the railroad tracks (north/south and east/west lines) Washington Heights area (south) Davenport area
- Will not live in any neighborhood dominated by Hispanics, fewer and fewer areas that are not now.
- Prices of homes increase on the east side.
- The south west side of town is cheaper to rent in. Almost all the houses large enough for my family of 8 are rented for insane prices because they are mostly rented to multiple college students who split the rent to make it affordable for them but for a 2 income family that is impossible to afford most of the rental prices for large family homes.
- Habitat for Humanity homes are concentrated in certain areas.
- Ask the people to the east side and to the north side of Fremont. They have tantrums if a bad apple moves into THEIR neighborhood!
- Define "affordable" - some ritzy neighborhoods are out of my price range.

When asked if they perceive certain geographic areas or neighborhoods within Fremont to be undesirable, the vast majority (79.2%) of respondents answered affirmatively (80 respondents). In addition, the undesirable areas were identified by those surveyed to include (many of these responses were repeated in various forms):

- South side
- Pierce Street between Military and Linden, South of Military/west of Broad.
- Southwest side
- Inglewood
- Regency Trailer Park
- South of Military and West of Broad
- Washington school area, housing area behind Staples
- Empire area
- All trailer parks
- All areas now dominated by Hispanics

- Meadowbrook
- I find neighborhoods that generally have higher or lower than the median as undesirable.
- The neighborhood between downtown & Barnard park area is in need of rehab funding.

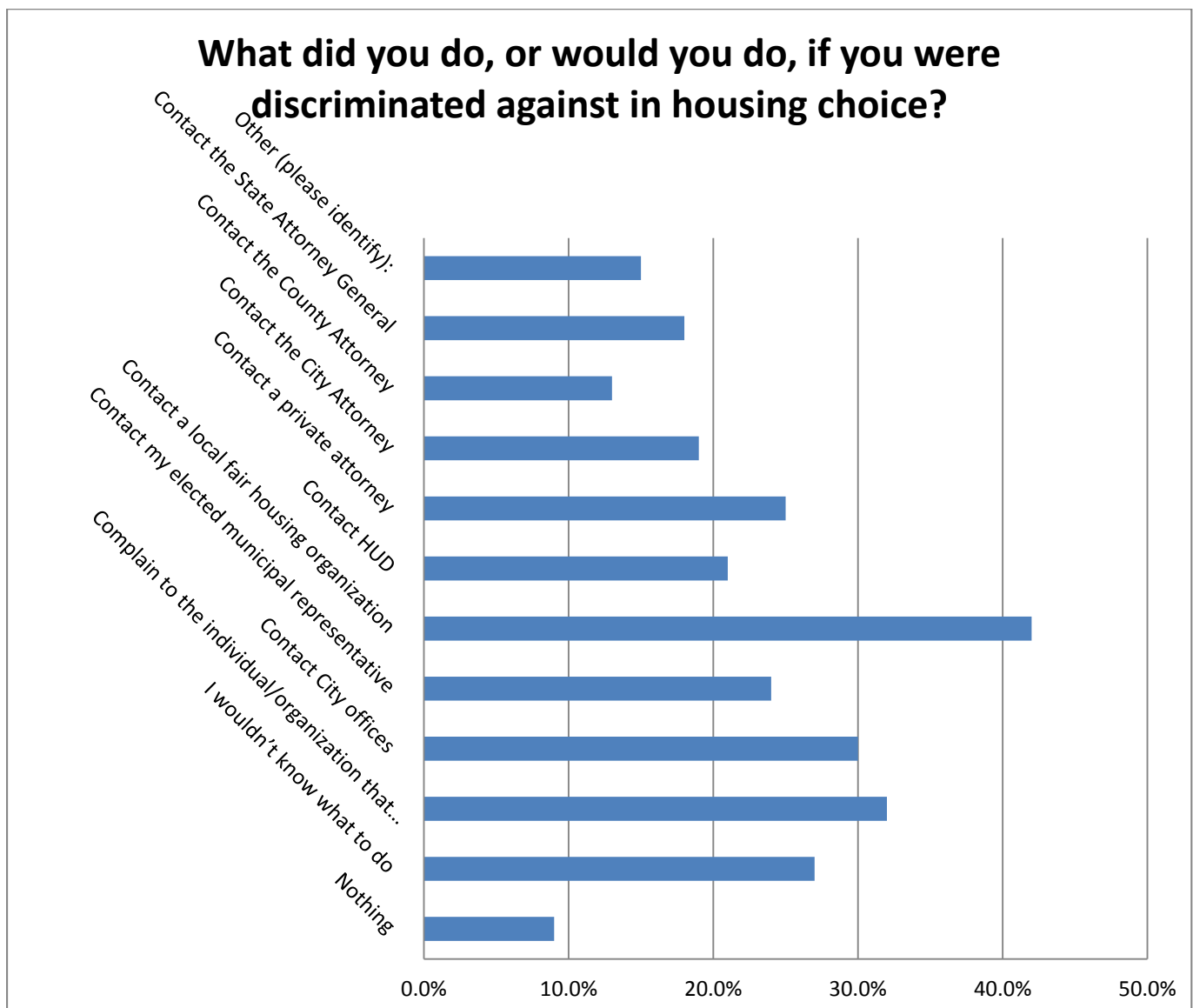
The survey asked if the enforcement of rental license requirements within Ordinance 5165 would prevent them from moving. Seventeen (17.7%) of respondents answered that it would prevent them from moving, and 79 (82.3%) answered that it would not.

The survey asked if there was an adequate supply of affordable housing available to residents with disabilities, senior citizen residents, and residents with children. The following answers were collected (many were repeated in various forms):

- There is not an adequate supply. Period.
- Yes. There are rental properties all over town with more becoming available every day.
- No to all of the above because other people are ruining it for those who would truly appreciate it but they get rented out to the same people/families time and time again.
- Don't know.
- Disabled/Sr. Residents most Gifford/Stanton Towers available but with drug addicts, etc. allowed to live there, make it unsafe for the disabled or elderly. Also, families with children need a bigger home/apt. and to get in anything nice with a yard, etc. is mostly too expensive for an average family to afford.
- Young couples cannot afford the high rent.
- No to all, especially single parent households.
- There is not adequate supply of affordable housing in Fremont. Wait list is so long that it usually takes 5+ years to get into affordable senior housing.
- No, because with multiple illegals renting they force up rental prices. Those on fixed incomes cannot make it.
- Never saw a problem.
- Yes, too many.
- There are always many rental and for sale signs up or in the paper.
- Disabilities: a lot of the rental properties are older. I doubt many meet ADA requirements. Senior Residents: If the senior citizen has money, they have some beautiful retirement home options, but there are many seniors who are living on very limited funds. There aren't many high quality options at a reasonable price. Residents with children: Again, many of the homes for rent are of poor quality and apartments are very limited or sketchy. Another concern is the number of registered sex offenders in the city's rental units.
- Fremont's prices are outrageous compared to Omaha & surrounding areas.
- Seniors need middle income options.

It is clear, throughout this survey that impediments exist in Fremont that limit access to housing for many protected classes. The City of Fremont needs to closely analyze its policies and programs that assist the elderly, minorities, disabled, and families with children with the provision of affordable housing choices.

#### Fair Housing Education and Enforcement



Of residents surveyed, the largest number of responders (42 persons, or 42.0% of all responses) answered that they would contact a local fair housing organization if discriminated against in housing choice, and the next largest group (32 persons, or 32.0%) answered that they would make a complaint to the individual/organization that discriminated. Survey respondents were also able to write-in answers in the “Other” category, which included:

- Contact Police
- Don't want to waste time/money on a legal battle. I'd find somewhere else if I could.
- Our elected senator and officials are discriminatory toward many groups. Poor, single mothers/fathers, anyone that looks Hispanic.
- ACLU
- File a lawsuit.
- Go to the media.
- Choose not to live in a city that requires I.D. before allowing one to rent.
- Deal with it!!!

Other answers were spread throughout the other options, as shown above.

Residents were asked to indicate the most effective ways to inform residents about fair housing rights and/or responsibilities. The following answers were given.

**Table 53**

Most Effective Ways to Inform Residents About Fair Housing Rights and Responsibilities	# of Respondents	% of Responses
Information on the City's Website	53	54.1%
Fair Housing Literature/Information in Public Libraries and Municipal Center	50	51.0%
Television Advertisements/Announcements	43	43.9%
Bilingual Advertisements/Announcements	43	43.9%
Radio Advertisements/Announcements	42	42.9%
Public Meeting(s)	38	38.8%
Other:	21	21.4%
Mailings		
Hand out at rental agencies/buildings		
Flyers and Pamphlets		
Bilingual billboards and flyers		
Info in schools and DHHS		
Social media networks		
ELL classes for adults		
Website and Facebook page		
Pamphlets in shopping areas		
This is not government's job		

Of the 13 responses for "Other", most felt that there are multiple ways to inform residents and used the "Other" category to describe that. Many responses were repeated in various forms.

Surveyed residents were asked for suggestions to change fair housing laws and practices. Suggestions included (and many were repeated in various forms):

- Remove Ordinance 5165 to begin with. All forms/paperwork regarding this ordinance is in English or Spanish. To me this is discrimination right off the start. Why are we focusing on the Hispanics when there are other nationalities that live in Fremont? Are we saying only Hispanics are illegal. Or are we discriminating against other nationalities as we have no forms/paperwork in their Language. It just seems like Fremont is focusing on the Hispanic population.
- Keep the prices down.
- Remove the bigots, hypocrites and racists from Fremont.
- Have an inspector to completely inspect all rental homes and give a proper evaluation what that home is worth for a rental fee. It's the landlords that are out of control.
- People need to stop hating and realize that we are all in this together. Change the laws to be fair and equitable.
- Remove illegals from our town, would open more areas for housing and more desirable areas!!
- Not allowing landlord to ask how many children do you have. Or if I am married.
- Paperwork/registration for rental license should be located in city municipal bldg. not police station.
- Ensure that Fremont's new Ordinance 5165, that the voters have voted on for a second time, is enforced to give legal residents access to more housing. Perhaps then certain landlords won't be likely to cram so many into a rental unit.
- No. Just leave us alone.
- Not sure.
- Non-discriminatory officials in public office, kind compassionate people at FHA and loans that would be attainable for working families.
- Repeal the ordinance, educate the community on how we are going to lose out on funding, etc. Perhaps organize groups who could be on call and would volunteer, to drive those in need of a ride to get the rental permit.
- Treat everyone with respect.
- People need to be made aware of their rights and have a way to access their rights.
- Make stronger penalties for landlords so they'd think twice.
- Cut off the funding to a city that does not follow the Federal/State guidelines.

The survey concluded by asking for specific actions that the City of Fremont could take to address impediments and improve fair housing choice for all residents. The following answers were given, with many repeated in various forms:

- Reconsider cancellation of the bus service, implement and enforce minimum standards for property upkeep to crack down on slumlords.
- None.
- Instead of the renters being targeted, it should be property managers. Educating them would probably be a good step in preventing them from discriminating

people. Is there a permit you have to get to be a landlord? Maybe a quick test they have to pass to get the permit might raise awareness.

- Enforce a price limitation.
- You cannot fix stupid. Prejudice in any form is stupid. So is price gouging to people that are perhaps from another country and low educated people who simply don't understand.
- Stop trying to overturn the will of the voters, again. Try following the rules you already have in place & do your best to be equitable.
- Education on diversity and the value of diversity for all of humanity. Educate business owners (like those who rent homes) on fair housing laws.
- Use TIFs or blight funds.
- Is there a simple reporting mechanism that does not require the offended party to seek out multiple public representatives? Ideally an advocate for residents - outside the city government and immediate sphere of influence - would allow both offended parties and information seekers to feel as though they are getting all the information, help, and representation needed, instead of a bureaucratic obstacle course.
- Enforce laws against illegals in our town!
- Check for legal IDs.
- More housing for the elderly, not the horrid towers. They are too small.
- Educate landlords and require registration with city for the landlords.
- Resist efforts that would derail Ordinance 5165. This will allow Fremont residents more job and home choices to improve their lifestyles. The ordinance after all has been determined to be fair in the courts. Question: Was this survey designed to have a predetermined outcome? The average citizen doesn't know that this survey is being taken and probably hasn't experienced any discrimination.
- Repeal Ordinance 5165.
- It sounds like this is just trying to create trouble where there isn't any.
- It's fair... get a life.
- Implement and use the laws and ordinance as they were meant to be & cease allowing breaking the laws because of threat of lawsuit. It is wrong to have a lawbreaker continue to break the law because we are afraid to be sued or it will cost money. That is so wrong!!! We also need to replace our corrupt and crooked council & major who continue to trample the rights of the people of Fremont as illegally as the illegals they protect!!
- Get some courage to address the bigots in Fremont!
- Repeal the law that discriminates against people that look like they may be of a different ethnic group.
- I think educating people gives them power. Power gives you choices. Choices give you freedom. Thus, organize a group that focuses on poverty and its impact on families. From that group, brainstorm subgroups that would help devise a plan to facilitate workshops on: health, education/tutoring, finance, parenting/relationships, anything to help make Fremont a more positive, enjoyable, and desirable place to live.

- Stand up more firmly for Hispanics who are legal and not let the Tribune allow such racist, prejudiced anonymous posts about immigrants.
- Wait for the older generation to die off and let the more tolerant younger generations take hold and run things. This is a good ole boy town.
- Since the ordinance is being implemented, the City of Fremont must educate the entire community on this. There is a lot of misunderstanding about what "fair housing" means in this community. The ordinance has given people the impression they can bully and intimidate people based on race, national origin, or use of English. There are much bigger problems than fair housing, but at least with education (especially for the people who will likely experience discrimination) there can be some positive steps taken. I would like the police department, the schools, and landlords/realtors specifically to be knowledgeable resources for the community.
- Public meetings on diversity and what it means to a community.
- Get rid of the slum-lords and keep landlords from creating ordinances through their power on the City council. Better government would be a start.

It is apparent from the previous two sets of survey responses that the Fremont population is sharply divided regarding the proper way to conduct fair housing education and remove impediments to fair housing choice, particularly with respect to Ordinance 5165. It would benefit the City of Fremont to continue to hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach.

### **Additional Surveys**

Additional online surveys and questionnaires were created for Housing Service Providers, Realtors, and Lending Institutions in the Fremont area via <http://www.surveymonkey.com>. These surveys were open in March 2014 and available to area service providers, realtors, and lenders. At the time of publication, a total of 17 industry representatives had completed surveys.

#### **Realtor Surveys**

The Consultant and City of Fremont staff emailed and invited Fremont real estate professionals to attend an informational AI meeting/feedback session, as well as fill out the fair housing survey. A total of 14 real estate professionals completed a survey. A summary of these surveys is as follows.

Less than half (42.9%) of the real estate professionals surveyed felt they were Very Knowledgeable about Fair Housing Law, and 57.1% felt Somewhat Knowledgeable. No respondents answered as Not Knowledgeable.

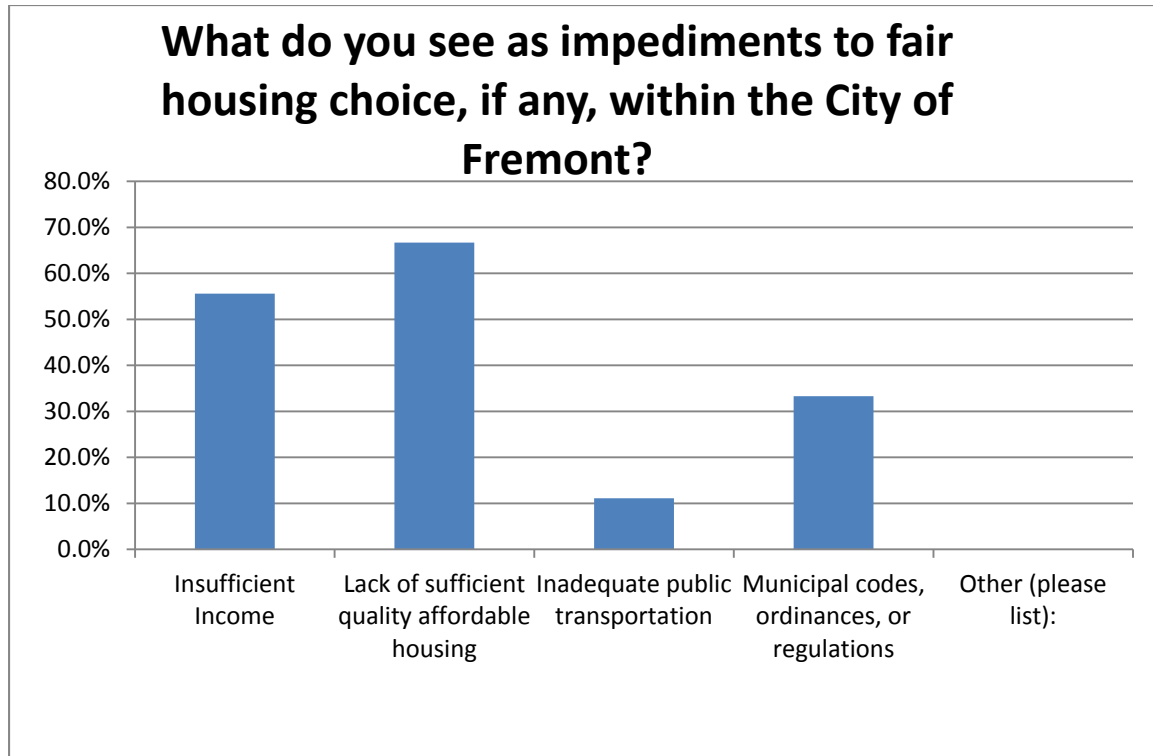
Realtors were asked a variety of questions regarding the practices and procedures of their businesses. The following answers were given:



**Table 54**

Background Questions for Realtors	Yes # and %	No # and %
Does your company have written policies addressing Fair Housing Laws?	11 78.6%	3 21.4%
Do your marketing materials and/or display advertisements include images of people of diverse racial/ethnic backgrounds?	6 42.9%	8 57.1%
Do you publish in local minority and multi-lingual publications?	1 7.1%	13 92.9%
Does your company undertake any special/affirmative marketing efforts to target minorities or low-income clients?	2 14.3%	12 85.7%
Do you intentionally employ bilingual individuals on your management and sales staff in order to serve clients with poor English language skills?	3 21.4%	11 78.6%
Have you carved out a specialty/niche market in the City of Fremont?	3 21.4%	11 78.6%
Do you accept listings or show homes outside of your specialty/niche market?	11 84.6%	2 15.4%
Do you accept listings regardless of home value?	12 85.7%	2 14.3%
Do you accept listings in low-income or minority neighborhoods of the City of Fremont?	12 85.7%	2 14.3%
Do you serve clients participating in public homebuyer subsidy programs?	14 100%	0
Does your real estate business, in policy or in practice, deny services to potential clients on any of the following bases (race, color, religion, etc.)?	0	
Do you perceive certain groups or individuals to be less desirable as clients of your real estate business?	2 14.3%	12 85.7%
Have any groups or individuals filed complaints against your real estate company, or initiated legal action on the basis of fair housing discrimination, with any Federal, State, or local regulators?	0	

When asked to identify the impediments to fair housing choice in Fremont, the largest group of respondents (6 respondents, 66.7%) felt that Lack of Sufficient Quality Affordable Housing was a factor. Additional responses are as illustrated below.



It should be noted here that the above reasons identified as impediments are not exclusively applied to protected classes but can still be viewed as impediments to fair housing choice as they have the potential to disparately impact members of the protected classes and restrict their housing choices.

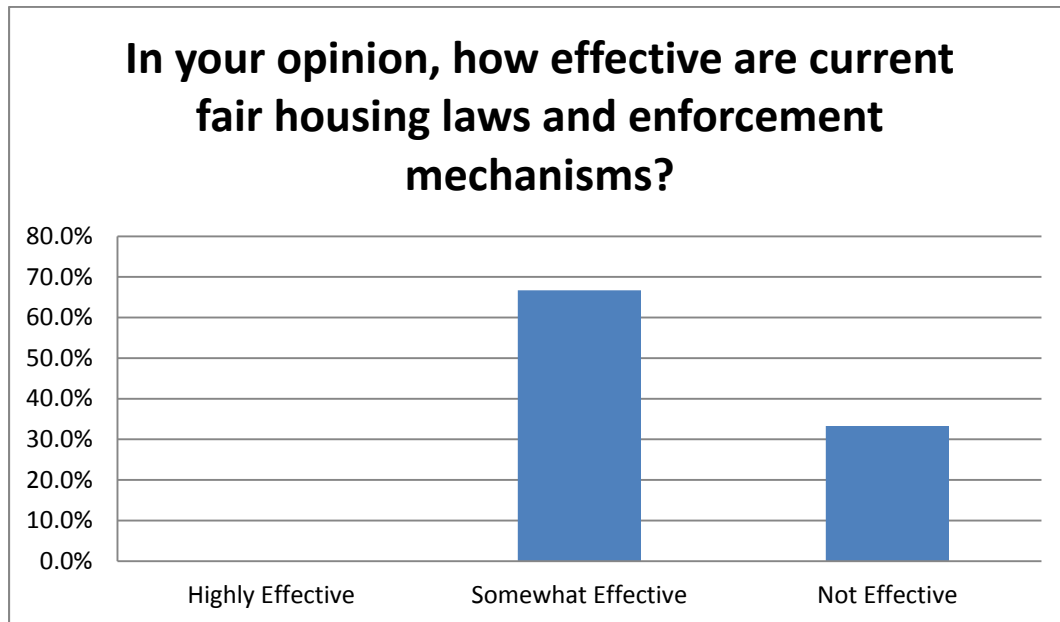
Realtors were asked if they felt that the new rental license and fee requirements would likely hinder people from renting housing.

- Five respondents (38.5%) felt that it would hinder people from renting.
- Eight respondents (61.5%) felt that it would not.

Realtors were asked if they used fair housing materials and had fair housing training as part of their real estate businesses. The following answers were given.

- Ten respondents (71.4%) had business materials promoting fair housing. Four respondents (28.6%) did not.
- Thirteen respondents (92.9%) had received fair housing training. One respondent (7.1%) had not.
- Twelve respondents (92.3%) had received training by way of continuing education. Two respondents (15.4%) had received certification training.

Realtors were asked to determine how effective current fair housing laws and enforcement mechanisms were in Fremont. Although the majority (66.7%) found the laws/enforcement to be Somewhat Effective, none of the respondents felt that laws/enforcement was Highly Effective, and 33.3% found them to be Not Effective.



Respondents were given the opportunity to explain why/why not the current fair housing laws were effective. The following responses were obtained.

- Not sure everyone who faces discrimination feels safe making complaints.
- They are effective if the client has adequate education on fair housing.
- Not many people are aware of fair housing or how to file complaint.
- No enforcement for people illegally getting benefits.

Surveyed real estate professionals were asked for suggestions to change fair housing laws and practices. Suggestions and/or responses included:

- Fremont needs a publicity campaign to improve its image as a fair and tolerant place to live and work.
- Bring more awareness to the community. Education to the people, residents, landlords that sometimes the unwritten law of the land for whites only is illegal.
- Remove illegal aliens from the United States so the legal people would have more housing available.

Survey respondents were asked to suggest actions that the City of Fremont could take to address impediments and improve fair housing choice for all residents. Suggestions and/or responses include:

- Get rid of the rental license and fee law.

- Bring awareness of this issue especially in Fremont. If community was aware then maybe Ordinance 5165 would not have been initiated. Stop the ignorance.
- Provide a method of reporting, detaining, and deporting illegal aliens, sell no utilities to illegal aliens.

Upon reviewing these survey responses from real estate professionals, it is clear that this group is also divided regarding the proper way to conduct fair housing education and remove impediments to fair housing choice, particularly with respect to Ordinance 5165. It was also significant that 28% of realtors surveyed did not have fair housing materials. It is recommended that real estate professionals receive additional fair housing training to ensure that fair housing rights and responsibilities of their clients are fully understood and upheld. Realtors should also be encouraged to provide fair housing materials as part of their policies and procedures

#### Lender Surveys

The Consultant and City of Fremont staff emailed and invited Fremont mortgage lenders to attend an informational AI focus group/feedback session for realtors, lenders and housing providers, as well as fill out the fair housing survey. No realtors were in attendance at the focus group and only one (1) lender completed a survey. The results of the focus group will be discussed in the Public Outreach section.

The lender surveyed felt they were Very Knowledgeable about Fair Housing Law. The survey asked a variety of questions regarding the practices and procedures of their businesses. The following answers were provided:

**Table 55**

Questions to Mortgage Lender	Yes	No
Does your company have written policies addressing Fair Housing Law?	X	
Do your marketing materials and/or display advertisements for soliciting borrowers include images of people of diverse racial/ethnic backgrounds?		X
Does your company's marketing in the media include advertisements in languages other than English?		X

Questions to Mortgage Lender	Yes	No
Does your company undertake any special marketing efforts to target minorities or low-income clients?		X
Do you intentionally employ bilingual individuals on your lending staff in order to serve clients with poor English language skills?	X	
Has your company carved out a specialty/niche market in the City of Fremont?		X
Does your company write mortgages for home purchases in minority or low-income neighborhoods of the City of Fremont?	X	
Does your company have a different fee structure, points, and/or interest rate quotes for mortgages on homes in minority and/or low-income neighborhoods?		X
Does your company have full-service branch offices located in minority and/or low-income neighborhoods in the City of Fremont?		X
Does your company offer subprime loan products?		X
Does your company in policy or in practice deny loans to potential borrower clients on any of the following bases? (Race, color, religion, etc.)		X
Are certain groups of individuals perceived to be less desirable as borrower clients of your lending institution?		X
Does your company provide permanent mortgages for clients participating in public homebuyer subsidy programs such as HOME and Section 8 mortgages?	X	
Does your company provide acquisition, construction, or predevelopment loans for developers of affordable housing, or housing in	X	

Questions to Mortgage Lender	Yes	No
low income neighborhoods, that may be using public subsidies?		
In your opinion, is the new license and fee requirement likely to hinder people from renting?		X
Do you perceive Federal, State, or local banking regulations as impediments to fair housing mortgage lending?		X
Have any groups or individuals filed complaints against your lending institution with any Federal, State, or local regulators, or initiated legal actions on the basis of fair housing discrimination?		X

The mortgage lender respondent stated that lack of sufficient quality affordable housing was the main impediment to fair housing choice in the City of Fremont. In addition, the survey respondent found that current fair housing laws and enforcement mechanisms were Highly Effective.

#### Housing Provider Surveys

The Consultant and City of Fremont staff emailed and invited Fremont housing providers to attend an informational AI meeting/feedback session, as well as fill out the fair housing survey. A total of 2 housing providers completed a survey. One respondent worked with the development and/or rental of housing, including affordable housing; and one respondent worked with property management for rental housing. Both survey respondents felt that they were just Somewhat Knowledgeable of fair housing laws, including Nebraska fair housing law.

**Table 56**

Questions for Housing Service Providers	Yes # and %	No # and %
Does your agency assist with fair housing complaints?	0	2 100%
Do you have any materials displayed to promote fair housing?	0	2 100%
Have you or your staff received any fair housing training?	1 50%	1 50%

Questions for Housing Service Providers	Yes # and %	No # and %
In your opinion, is the new rental license and fee requirement likely to hinder people from renting?	2 100%	0

Although the housing providers surveyed do not assist with fair housing complaints, one respondent was aware of an incident of housing discrimination/complaint reported due to the actions of a rental property owner/manager.

When asked to identify impediments to fair housing choice in Fremont, the housing service providers stated that Race/Color/Ethnicity/National Origin and Insufficient Income were impediment to fair housing choice.

One survey respondent felt that residents perceive certain geographic areas or neighborhoods within the City of Fremont to be undesirable, but one survey respondent did not. When asked to describe the areas perceived as undesirable, the answers were as follows:

- Areas south of the viaduct.
- Anything south of Military.

Housing providers were asked to identify appropriate actions for clients who have experienced housing discrimination. Only the following actions were identified as options:

- File complaint with the individual/organization that discriminated.
- Contact a local fair housing organization.
- Contact HUD.
- Contact a private attorney.

The only suggestion or recommendation for improving fair housing choice given by housing service providers was to eliminate the rental permit.

Upon analyzing all survey responses from residents, real estate professionals, and housing service providers, it is clear that the lack of fair housing education and enforcement in the rental community, as well as within the minority community, serves as an impediment to fair housing choice.

The surveys also demonstrated opposition to the rental occupancy permit ordinance from all groups surveyed. However, a majority of persons surveyed did not believe that it would result in renters feeling forced to move.

### **Key Person Interviews**

In conjunction with the surveys, ASK conducted key person interviews person-to-person, by teleconference, and via email correspondence with members of nonprofit and advocacy groups.

### Key Person Interview Participants

Organization	Key Person	Title
Fremont Housing Agency	Sue Kleider	Executive Director
Nebraska Equal Opportunity Commission (by phone)	Gretchen Eure	Unit Director
Fair Housing Center of NE-IA	Joe Garcia	Program Director
	Jim Butz	Assistant Director – Investigations
	Gary Fischer	General Counsel
Eastern Nebraska Office of Aging	Kay Snelling	
Fremont Board of Realtors	Craig Ronhovde	President

Below is a summary of fair housing issues identified by key persons.

#### Fremont Housing Agency

- Need for more fair housing education specifically on the rights of citizens. It was recommended that housing providers and agencies be encouraged to promote fair housing on their websites.
- Lack of affordable housing in the City noted as a concern.
- Challenges with Immigration Ordinance expressed. Issues related to conflicting statute for eligible tenants and prorating of rents for families with members who are not legal residents were discussed.
- The agency has been receiving more applications from Hispanic residents. Board member willing to offer interpretation services. The agency is working on identifying resources for non-English speakers. Cheat sheets for non-English speakers were prepared.
- Occasional housing complaints received and referred to Three Rivers Health Dept. and Fair Housing center. Provides HUD telephone number for complaints.
- Issues with supportive services for persons with disabilities. State of Nebraska Resident Supportive Services Coordinators are no longer required to provide case management services. The Agency has responded with alternatives to ensure that residents' needs are met. Computer service to get applicable tenants to register for services during startup process.

#### Nebraska Equal Opportunity Commission

- Difficulty in finding accessible housing in the City was noted as an impediment
- The NEOC does not provide information on number and types of cases within Fremont due to confidentiality requirements.
- The NEOC governing board has not taken an official position on the housing provisions of the Immigration Ordinance.



### **Fair Housing Center of Nebraska-Iowa**

- Concerns with implementation of the Housing Provisions of the Fair Housing Ordinance. The agency made a fair housing presentation to Fremont City Council. The agency has done a lot of outreach to Hispanic community. Notes a significant hesitancy of Hispanic residents to come forward with housing discrimination claims. Related instances of NIMBYism (“Not In My Back Yard” attitude that resist categories of people or types of housing from being located in a neighborhood) with Northwest section of the City protesting use of a City park by Hispanics and offering to raise funds to build a soccer field in the Hispanic area of town. Complaints regarding out of town parking were cited as reason.
- Agency placed fair housing billboards in Fremont in Spanish and English. Agency received hate mail and threatening and racist voice mails
- Concerns that the housing provisions of the Immigration Ordinance will have a discriminatory impact on minorities including:
  1. Reduction of available housing to Hispanic or all minorities because landlords feel they are forced or limited to renting to whites only.
  2. Since landlords may assist tenants in completing the rental occupancy application, unequal treatment of tenants where landlords may obtain and complete applications for whites but tell Hispanics and other minorities to complete it themselves.
  3. The Fremont area has a large concentration of Hispanics from Central American where police are viewed negatively. Concerns that the ordinance is designed to deliberately intimidate them. Some landlords currently renting to Hispanics may discontinue the practice.
  4. Fewer persons may want to rent housing in Fremont or want to move to Fremont. This may negatively impact the growth of the population. Potential to limit rental development as more minorities are renters.
  5. The ordinance creates another opportunity to mask discrimination.
  6. Group of non-profit developers not wanting to build in Fremont
- Disadvantaged persons are occupying the worst housing in Fremont
- Racially impacted system communities – reduced inspection standard/requirements. An inspection grading would put the onus on the landlord
- Title VI obligations problematic – LEP programs and policies are not in place.
- The agency notes disability as the main fair housing complaints from Fremont
- The agency visits the City once per month to homeless shelter

- The agency is committed to work with the City to ensure that discrimination in the City is lessened

#### **Eastern Nebraska Office of Aging**

- Need for more public education about fair housing utilizing presentations in the community or by mailing information because elderly residents often cannot afford or cannot use computers and may not have access to newspapers.
- One of the impediments to fair housing is the lack of clean, decent affordable apartments. Apartments are very expensive and often, not accessible.
- The agency has not taken an official position on the Immigration Ordinance. However, the representative does not believe the Immigration Ordinance will affect anyone currently residing in Fremont but may deter others that know about the Ordinance from moving to Fremont.

#### **Fremont Board of Realtors**

- The Fremont Board is the local arm of the National REALTORS Association. Its main function is to support and facilitate interaction between individual REALTORS, between brokerage firms, and with the State and National organizations.
- The Board does not have direct contact or communication with individual citizens regarding fair housing.
- The REALTOR organizations support and advocate for policies and laws that will enhance the availability of fair and affordable housing. Advocacy is primarily handled at the national level.
- The Board provides information and educational opportunities for members regarding fair housing & discrimination.
- REALTORS are educated in the area of discrimination and fair housing and can direct people to the appropriate resource for resolving or reporting fair housing issues.
- Fremont does need more good affordable housing.
- The Fremont Board of REALTORS did not take a position on the rental occupancy ordinance.

#### **Consultation Meetings with City Staff**

Meetings were held with City staff and officials to get input on fair housing and discrimination issues. Consultations were held with the following persons:

- Jean Kaup, Office Services Associate
- Rian Harkins, City Planner

- Paul Payne, City Attorney

City of Fremont staff members were asked a number of questions about the status of fair housing, affordable housing and community service needs in Fremont. Discussion and responses from City Staff are included in various sections of this report.

## Focus Groups

In order to elicit input on public perceptions of the impediments to fair housing choice and housing discrimination in Fremont, focus group meetings were held on March 19, 20, and 21, 2014 with the following groups:

- Realtors, lenders, property managers, and other housing providers.
- Housing providers and advocates, as well as community housing development organizations meeting the needs of low income families, persons with HIV/AIDS, homeless, and persons with disabilities.

The focus group meetings were advertised on the City website, via email, in the Fremont Tribune, publicized on KHUB, the local radio station, as well as the City's Facebook page.

## Citizen's Advisory Board and Focus Group Meeting Attendees

Meeting Participant	Agency/Organization (if applicable)
<b>Citizen Advisory Board – Thursday, March 20, 2014</b>	
<b>Amber Barton</b>	Pinnacle Bank
<b>Al Martinez</b>	XXX
<b>P. Nielsen</b>	Fremont National Bank
<b>Terry Sewell</b>	Fremont National Bank
<b>Ryan Fiala</b>	Dillon Chevy
<b>Tim Engelbart</b>	Northeast Nebraska Economic Development District
<b>Judy Joy</b>	Northeast Nebraska Economic Development District
<b>Jamie Ahrens</b>	Northeast Nebraska Economic Development District
<b>Realtors, Lenders, Property Managers and Housing Providers – Wednesday, March 19, 2014</b>	
<b>Barbara Christensen</b>	Christensen Corporation
<b>Sue Kleider</b>	Fremont Housing Agency
<b>Russ Calloway</b>	XXX
<b>Lori Schmidt-Lathrop</b>	Pebley Inc.
<b>Brendan Murray</b>	Murray Management LLC
<b>O.L. Hoelsing</b>	Hanish Property LLC
<b>S. Andresen</b>	Hanish Property

Meeting Participant	Agency/Organization (if applicable)
Steven Dahl	Dahl Properties
Tom Winter	Winter Rentals
Beverly Gobbett	Don Petersen and Associates
Marlin Brabec	Don Petersen and Associates
Don Schneider	Don Schneider Law Office
Ray Clopper	XXX
Shawn May	S. May and Associates, Inc.
Maggie Zarate	Don Petersen and Associates
Gary Pebley	Pebley Inc.
<b>Housing Providers/Homeless/Disabilities/CHDOs/Continuum of Care/HIV/AIDS/Advocates – Friday, March 21, 2014</b>	
Kay Snelling	Eastern Nebraska Office on Aging
Lt. Tim North	The Salvation Army
Katelyn Cole	The Salvation Army
Stacey Pawling	ESO #2
Diane Carnahan	Care Corps Homeless Services
Shawn Shanahan	Fremont United Way

At each session, the meeting attendees were educated on the purpose of the AI and the process to be used. Participants were asked to identify housing choice issues that were of particular concern to them and their comments were recorded. In addition, members of the general public, as well as representatives of various community groups were invited to a public meeting held on March 20, 2014. Fifty members of the public were in attendance.

### **Issues Discussion from Focus Groups, City Officials, and Public Meetings**

Discussions regarding fair housing choice in focus groups, key person interviews, public meetings, and with City staff resulted in the following observations. Several issues that limit housing choice but did not fall under the protection of the Fair Housing act were raised by participants and interviewees

Participants at the focus groups and the public meeting were asked a number of questions about the status of fair housing, affordable housing, and community service needs in the City of Fremont. Much discussion at these meetings concerned the City's new Immigration Ordinance. A summary of responses and discussions from the focus group and public meetings are provided below.

### **General Comments:**

- There is a general perception that the new Ordinance allows landlords extensive latitude to deny rental housing to immigrants. Education regarding the specifications of the Ordinance is needed.

- There is concern that the ordinance presents an additional barrier to get into housing
- Concern expressed regarding how Ordinance will impact the way non-profits deal with residents
- Individuals fear that the new Ordinance will result in evictions and will make it more difficult to obtain rental housing.
- There is fear that landlords may not want to rent due to individuals' citizenship status. Clarified that Ordinance does not discriminate. Person only has to sign and check box 7. Also noted that it is illegal for landlord to make independent judgment regarding person's status. Noted that police cannot arrest anyone even if called to home where someone has lied about status
- Concerns expressed regarding applicability of provisions to temporary residents and ability of landlords to investigate citizenship
- Concerns that landlord will be fined if each person in the house who is over 18 does not have a license. If tenant is illegal, they have 30 days to move after being given two opportunities to fix. Eviction part of landlord's rental risk but recommend prequalifying tenants to avoid later having to evict
- Concern regarding racial profiling of Latinos once Ordinance is passed.
- Many Landlords do not want to rent due to high level of paperwork required by ordinance
- There is need for more programs to better educate tenants regarding their responsibilities and rights
- There is insufficient housing throughout the city for lower income residents
- Consensus of opinion that housing choices are limited for low income residents including many single parents who fall into that category. Need for more family units at affordable rate
- Spanish-speaking population increasing

**ADA and Housing for Persons with Disabilities:**

- Housing affordability has an impact on the mentally ill because of their low income.
- Harder to find accessible housing
- More families are in shelters than previously. 90% have mental illness diagnosis
- City not as restrictive regarding location of certain types of housing in low income areas as in other parts of the City. For example, group home consistently not granted permits in a higher income area

- There was discussion regarding landlord's responsibility to provide wheelchair accommodation. Clarified that adjustments must be made but tenants can be asked to cover cost.
- Accommodations needed for service animals. Guidelines from City regarding type would be applicable. Tenant must pay for damages caused by service animals, as in the case of smoking
- Individuals with mental illness encounter barriers to housing because of their low income, and lack of support and a perception that they are "lazy and unclean."

**Transportation:**

- Lack of public transportation in the City is an impediment; Residents are forced to live in substandard housing because of nearness to work. Many low income residents walk to work.

**Additional Community Outreach**

Additionally, in May 2014, City of Fremont staff gave two community presentations to which members of the general public, as well as representatives of various community groups were invited. The sessions are described hereunder:

- Basic Fair Housing seminar (flyer attached in Appendix). There were 41 people in attendance including 7 realtors, 4 maintenance staff for rental properties, 1 attorney representing several area landlords, 2 city employees, and 27 landlords.
- Fremont Family Coalition meeting – There were 43 people in attendance including representatives from Fremont Public Schools, United Way, Dodge County Head Start, Low Income Ministry, Lutheran Family Services, Keene Memorial Library, Bridges, Early Childhood Development, Probation Office, Health and Human Services, Care Core, Fremont Habitat for Humanity, Heartland Family Services, Low Income Ministry and Boys Town. Questions from attendees included whether information was available on the website. Where to direct clients who have complaints, the reason for an AI studies at this time, and availability of staff for presentation to private groups. Several individuals expressed appreciation for the presentation, noting that they had been unaware of the existence of much of the information presented.

## VI. FAIR HOUSING IMPEDIMENTS AND RECOMMENDATIONS

### Introduction

The City of Fremont's 2011 identified impediments to fair housing choice and provided recommendations for specific actions that the City could take to reduce or remove those impediments. This section will review the impediments and action plan identified in the City's 2011 AI and the status of those impediments.

This section will also review any current impediments identified through this 2014 study, discuss the issues related to the impediments and their impact on members of the protected classes and the community, and provide recommendations to the City. The recommendations will consist of both reactive and proactive actions to address and ultimate acceptance and implementation of any or all recommendations will be done by the City's governing Council. In order to develop a viable implementation plan, the City may view the recommendations as a framework for addressing the impediments and a guide to facilitate further community dialogue, research, feasibility testing, and fair housing action planning.

### Previously Identified Impediments and Recommendations

The following are the previous impediments, recommendations and current status. It should be noted here that some of the items identified were not clearly articulated as fair housing impediments. Refer to the 2011 study for more detailed information.

**Previous Impediment #1:** Availability of affordable housing and cost of housing and utilities.

#### Previous Recommendation(s):

- h. **Recommendation #1:** Plan and develop up to **645 new housing units**, by year end, **2016**, including up to **135 subsidized rental units** and **40 owner units for households of very-low- to moderate-income** including rental units for all income sector and household type and owner units for persons and families of moderate+ income level.
- i. **Recommendation #2:** Work with and foster a relationship with organizations providing housing services to insure the ***availability of affordable housing and address the increasing costs housing and utilities in Fremont.***
- j. **Recommendation #3:** Target affordable housing development in areas of Fremont having the highest level of public and private sector services including the Downtown and established residential neighborhoods.
- k. **Recommendation #4:** The City should require that all multifamily housing be ADA accessible, or have ADA compliant units. The visitability movement in new construction is intended to allow all housing to meet the current or future needs of persons with a disability or be easily modified to meet such provisions. Features include zero-step entrances; all interior doors providing at least 31 ¾ inches of unobstructed passage space; and at least a half bath on the main floor.

- l. **Recommendation #5:** Housing code enforcement activities should be supported by an inspection and licensing program for rental housing. All housing, both existing and new, both owner and rental, should require an occupancy permitting process.
- m. **Recommendation #6:** Working with local and regional housing partners, the City should maximize efforts to secure all types of State and Federal funding sources for affordable housing improvements and developments in Fremont.
- n. **Recommendation #7:** The City should create an initiative to utilize **tax increment financing** as local funding for community and economic development/redevelopment activities in established neighborhoods.

**Current status:** Housing affordability by itself is not an impediment unless it is shown to have a disparate impact on members of the protected classes. The City of Fremont has provided funding for housing rehabilitation but has not facilitated any development of new housing due mainly to resources. Previous efforts to institute a rental licensing and inspection program for landlords were defeated by legal action. The City is currently exploring a tiered code enforcement inspection program for rental properties. The other recommendations have not been translated into a fair housing plan or implemented. See various sections of this report. The recommendations may have been beyond the scope of the City's resources.

**Updated Recommendation(s):** Recommendations from the previous AI which have been considered to be feasible have been incorporated into the current 2014 AI. Other recommendations have been removed from consideration as strategies for the City.

**Previous Impediment #2:** Excessive application fees/rental deposits & down payment/closing costs to purchase a home.

**Previous Recommendation(s):**

- f. **Recommendation #1:** Create an Individual Development Accounts (IDA) Program with area lenders and financial institutions to educate citizens about savings and financial stability.
- g. **Recommendation #2:** Support efforts by the City to expand various rental and ownership affordable housing programs with local financial institutions and major employers to expand funding assistance.
- h. **Recommendation #3:** Expand renter and homeowner education classes to be required components of local high schools, college and continuing education classes. This will expand an individual's or family's budgeting skills and, eventually, financial knowledge of being either a homeowner or renter.
- i. **Recommendation #4:** Work with major employers to establish programs to decrease down payments and closing costs by providing forgivable grants and/or low interest loan programs that employees can access.
- j. **Recommendation #5:** The City could consider amending City ordinances to establish a uniform cost for rental application fees.



**Current status:** Lack of housing subsidies by itself is not an impediment unless it is shown to have a disparate impact on members of the protected classes. None of the above recommendations have been translated into a fair housing plan or implemented.

**Updated Recommendation(s):** Recommendations from the previous AI which have been considered to be feasible have been incorporated into the current 2014 AI. Other recommendations have been removed from consideration as strategies for the City.

**Previous Impediment #3:** Lack of resident knowledge and lack of a City process on how to file a fair housing complaint.

**Previous Recommendation(s):**

- d. **Recommendation #1:** The City should provide information addressing how to file a fair housing complaint on their Web Site. In addition, all landlords, property managers and other non-profit housing and human services groups should be required to provide their tenants, customers or clients with a copy of a Fair Housing Complaint Form and tenant and landlord rights information in all rental agreement packets.
- e. **Recommendation #2:** City of Fremont should officially designate a person as the City's Fair Housing Officer. This person stays fully informed of any and all pertinent information regarding the laws that govern Fair Housing and serve as a "first point" of contact for anyone filing or considering filing a Fair Housing Complaint
- f. **Recommendation #3:** The provision of, or the increase in services and information geared at assisting non-English-speaking populations This could include fair housing brochures printed in Spanish, bi-lingual landlords and translators employed at various City offices.

**Current status:** The City has now placed fair housing information on the main page of its website including information on the new rental occupancy ordinance. A link in a pdf document is provided to HUD's website and instructions on filing complaints with the City, NEOC, and the Fair Housing Center of Nebraska/Iowa. The City now has a position that is designated as a Fair Housing Officer. The position also manages the State of Nebraska CDBG program. Information on the City's website and the materials are also available in Spanish. The City has bi-lingual persons on staff. The City has no control over bi-lingual landlords.

**Updated Recommendation(s):** The current AI shows that education and awareness of fair housing issues is still an impediment as a significant number of persons surveyed are not adequately educated on their fair housing rights. It also recommended that links to the other fair housing agencies' websites are provided on the City's web document.

## **Current Impediments and Recommendations**

Based on the research and data available, the following are the current impediments to fair housing choice in both the public and private sectors which were identified in the AI. It must be noted that there are some impediments that were previously identified that are also identified in this current list. For each impediment, recommendations were formulated to address them and are listed below.

### ***A. Impediment: Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes.***

***Action: Expand strategies to increase the affordable housing stock.***

#### **Recommendation #1**

Develop an Affordable Housing Strategy for the City which may include actions such as adopting an Inclusionary Zoning Ordinance; creating an Affordable Housing Trust Fund; seeking funding from sources such as, Low Income Housing Tax Credits, Tax Increment Financing, other government funds, and private sources.

**Status:** Based on CHAS data, public input received during the preparation of the AI, and a review of Fremont's affordable housing supply, there is a need for an increase in the affordable housing stock. Approximately 54% of low- and moderate-income households are in need of affordable housing and the majority are renters. Minority populations, specifically Hispanics, are also disproportionately impacted by cost burden. The City should continue to fund affordable housing needs through the Comprehensive Revitalization Program. The Comprehensive Revitalization Program preserves the existing affordable housing through the rehabilitation of residential property. However, the funding from the State of Nebraska is not sufficient to address the affordable housing need in the City. The City must work towards increasing leveraging as far as possible with private sector funds and other government funds to increase the variety and affordability of housing suitable for different types of households. The City should also implement land use policies which encourage the construction of affordable and accessible housing for lower income families.

#### **Recommendation #2**

The City should seek a balance between the number of single family and multifamily units by encouraging the development of multifamily affordable housing by offering incentives to developers such as density bonuses, fee waivers or reductions, and expedited permitting.

**Status:** The majority of housing units in Fremont are single-family detached. According to the 2012 ACS, only 21.5% of the housing units are multifamily. The Greater Fremont Housing Study recommended that the City continue to develop low-density affordable housing units, such as duplex housing and patio homes with available support services. However, given the extent of the need for affordable housing, multifamily housing would reduce the amount of land needed for development and would be more cost effective to developers and also to the renters and buyers of these units.

### **Recommendation#3**

The City should consider allowing small lot development in residential districts as a means to increase the supply of affordable housing. Also, any existing substandard lots should also be considered for residential development.

**Status:** Some of the minimum lot width requirements in the residential districts are large and may result in increased costs for occupants of homes due to higher land costs. Small lot development increases housing production because they are usually built on unutilized or substandard lots or on subdivided lots. Structures on small lots are typically less costly because any savings from lower acquisition and construction costs can be passed on to the end user.

### ***B. Impediment: Shortage of accessible housing units.***

***Action: Encourage development to meet the needs for senior housing and the provision of an adequate supply of units for persons with disabilities.***

### **Recommendation #4**

During development of new multifamily projects, the City should ensure that the minimum accessibility requirements of the building code are being met. The City should also adopt universal design features to ensure that minimum accessibility standards are being adhered to in new developments through enforcement of building codes.

**Status:** A search of the Zoning Ordinance and the City's website showed no references to the use of Universal Design. Trying to retrofit existing housing units for ADA accessibility may be expensive, and unnecessary for persons with disabilities. Accessibility can be achieved by including universal design concepts in all new housing. These features include zero-step entrances, varying countertop heights, wider doorways, plywood under sheetrock in bathrooms for easier installation and removal of grab bars, roomy baths, and lever door handles. These features are usable by a variety of persons.

### **Recommendation #5**

Adopt a definition for disability that is consistent with the FHA and collect and update demographic information for persons with disabilities living within the City.

**Status:** The Zoning Ordinance does not include a definition of persons with disabilities. Not clearly defining this group may lead to the City not providing or supporting the development of housing and provision of services for those with special needs thereby limiting housing opportunities for persons with disabilities.

**Recommendation #6**

The City should consider expanding the Comprehensive Revitalization Program to include funding for accessible modifications to existing homes.

**Status:** Approximately 80% of the housing units in Fremont were built prior to 1980 and the majority of older units do not meet accessibility requirements. For elderly or disabled homeowners and renters in need of accessible features, the costs to make such changes may be exorbitant. The City has recently added a rental rehabilitation component to its housing rehabilitation program but needs to continue to expand the housing rehabilitation program by seeking additional funding sources.

**C. Impediment: Risk of inadequate planning to meet the needs of residents protected by the FHA.**

**Action: Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.**

**Recommendation #7**

The City should ensure that it includes more extensive demographic data in its planning documents to ensure that protected persons are not excluded or neglected when communities make plans that involve housing related issues.

**Status:** The City's Comprehensive Plan and other planning documents do not include demographic data for race, ethnicity, national origin, or for persons with disabilities. Being unaware of or omitting such data has the potential to limit actions or decisions made by the City and may lead to discrimination.

**D. Impediment: The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.**

**Action: The City should review its zoning ordinance and revise the definition of family.**

**Recommendation #8**

Remove the limitation on the number of unrelated persons that may reside in a home and utilize occupancy limits to prevent overcrowding and maintain neighborhood character.

**Status:** The City is not precluded from restricting the ability of unrelated persons to live together as long as the restrictions are imposed on all groups. The current

definition of family limits the number of unrelated persons in a home to a maximum of four individuals and allows any number of related persons.

***E. Impediment: Group living facilities are not treated the same as single family residential homes and denies housing opportunities for persons with disabilities.***

***Action: Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.***

**Recommendation #9**

Consider the implications of accommodating group residences throughout the community under the same standards as any other residential use.

**Status:** The policy for the siting and development of group residential uses conflicts with the FHA because additional restrictions not required of families are being imposed on the occupants of these group residences that may serve protected groups such as persons with disabilities. The definition of family permits any number of related persons to live in a house but limits the number of unrelated persons. Conversely, the group residential use is permitted by right or as a conditional use in fewer zoning districts, has an occupancy limit and caps the total number of residents depending on the zoning district where the use is located. Also, group residential uses are conditionally permitted in four of the five districts where they are allowed. The conditional use permitting process is not imposed on families in single-family residences similarly zoned. The conditional use process provides opportunity for residents of communities that are not open to group facilities being located in residential districts to potentially obstruct approval for them during a public hearing thus impacting housing opportunities for persons with disabilities or other protected groups.

***F. Impediment: Discriminatory lending practices disproportionately impact census tracts with higher minority populations based on loan denial rates.***

***Action: The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are being made equitably.***

**Recommendation #10**

The City should coordinate with lenders and banking associations to ensure that any discriminatory practices are eliminated.

**Status:** It appears that based on the review of HMDA data and the denial rate in minority census tracts there may be discriminatory lending occurring in Fremont. If after closer examination of the data racial disparities are found to exist, the City and its partners should provide fair housing training to loan originators and

underwriters and consider creating a committee to conduct continuous review and monitoring of residential loan products.

***G. Impediment: The Rental Occupancy Licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market***

***Action: The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.***

**Recommendation # 11**

Implement HUD's requested actions to mitigate against any adverse effects the Ordinance could have on limiting fair housing choice.

**Status:** The housing component of the Immigration Ordinance requires renters to obtain an occupancy license from the Fremont Police Department prior to renting a dwelling unit. Citizenship or legal status is a condition to renting housing. The housing provisions of the Ordinance were put into effect on April 10, 2014. HUD has stated that if the City implements the housing provisions of the Ordinance, it would be at risk of being found in violation of the Fair Housing Act and in noncompliance with its civil rights certifications to the State of Nebraska. HUD has suggested several actions the City could take in order to mitigate against any adverse effects the Immigration Ordinance has had on limiting fair housing choice (The actions are outlined in the Legal Cases section of this AI). In addition to the actions suggested by HUD, the City should also carry out the following recommendations #12 and 13 below.

**Recommendation #12**

Publish additional materials that clarify aspects of the housing provisions of the Immigration Ordinance that remain unclear. Materials should be provided in English and Spanish for Limited English Proficient (LEP) populations. The City should use several methods to disseminate the publications to ensure that lower income populations that may not have access to the internet or newspaper can get the information.

**Status:** In public meetings and focus groups, it was obvious from discussions that there is still lack of clarity concerning the ordinance. There are many questions and misperceptions about the ordinance and questions that are not answered clearly from the current published materials. For example, opinions expressed include "whites are exempt" or that "these provisions are mainly for Hispanics" or that "we can only rent to whites" or "landlords need to get proof of citizenship" which are all incorrect. Some respondents noted that the use of the police department as the processor of the license adversely affects immigrants from Central America whose experience with the police have been negative. The use

of the police to process a routine license and the fact that the police department is not allowed to request verification of legal status or run criminal background checks reinforces the belief that this is meant to intimidate. Key person interviews conducted for this AI also suggests that persons who believe they may be impacted by the Ordinance will not move to Fremont; therefore the Ordinance is an impediment to fair housing choice because it discourages persons from seeking housing in Fremont. It was also noted that many Hispanics are reluctant to report housing discrimination despite fair housing discussion groups as reported by a fair housing agency.

### **Recommendation#13**

Consider establishing fair housing telephone, public television and/or social media access that provides information in multiple languages to provide answers to most frequently asked questions on fair housing, the immigration ordinance, how to file a housing discrimination complaint, and how to locate affordable housing in Fremont.

**Status:** The City currently has information on its website and in written materials. However, many of the residents of Fremont may not have Internet access but have access to telephone services, television and social media.

**H. *Impediment: The Rental Occupancy Licensing provisions of Ordinance #5165 is an impediment in itself as it adds an additional step to securing housing especially for members of protected classes.***

**Action: *Assess the impact of the Ordinance especially on members of the protected classes.***

### **Recommendation #14**

The City should conduct an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.

**Status:** Since the housing provisions of the Ordinance took effect on April 10, 2014, it is may be too early to determine the impact of the Ordinance. Refer to the City Regulatory Review section of this report on pages 74-75.

**I. *Impediment: Lack of or inadequate fair housing education and enforcement in the rental community, as well as within the minority community***

**Action: *Continue fair housing education and outreach and expand opportunities for fair housing training.***

### **Recommendation #15**

The City should specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.

**Recommendation #16**

Encourage real estate professionals to seek additional fair housing training to ensure that their clients fully understood fair housing rights. Encourage Realtors to provide fair housing materials as part of their policies and procedures.

**Recommendation #17**

Hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach

**Status:** The City has engaged in several fair housing education and awareness activities over the past two years. However, the AI determined that there is still a lot of gaps in fair housing education among residents. In addition, the housing provisions of the Immigration Ordinance has shown that a high level of misperceptions and negative attitudes still exist in the City of Fremont around fair housing and prejudice.

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## Fair Housing Recommendations Table and Timeline

The Fair Housing Recommendations Implementation Timeline table below outlines the above remedial action recommendations to reduce impediments to fair housing choice within the City and some proposed time frames for addressing them. Please note that this should be seen as a framework for a final fair housing action plan to be created and implemented by the City based on resources and priorities. The plan will be carried out with input from City Council, the City's Administrator's office, developers, non-profits, and the community. The City will select from the recommendations below and develop a fair housing action plan which will be submitted to the State of Nebraska and HUD.

**Fair Housing Recommendations Implementation Timeline** **Table 57**

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON- GOING GOALS	Responsible Parties
<b>ACTIONS TO ADDRESS CURRENT IMPEDIMENTS</b>				
<b><i>Impediment #1: Inadequate supply of affordable housing to meet the needs of low- and moderate-income residents including members of the protected classes.</i></b>				
<b><i>Action: Expand strategies to increase the affordable housing stock.</i></b>				
<b>Recommendation #1:</b> Develop an Affordable Housing Strategy for the City which may include actions such as adopting an Inclusionary Zoning Ordinance; creating an Affordable Housing Trust Fund from various and diverse funding sources.		X		Developers, Lenders, Housing Providers, City Council, City Administrator's Office
<b>Recommendation #2:</b> The City should seek a balance between the number of single family and multifamily units by encouraging the development of multifamily affordable housing by offering incentives to developers.		X		City Administrator's Office, City Council, Housing Providers, Housing Authority
<b>Recommendation #3</b> The City should consider allowing small and substandard lot development in residential districts as a means to increase the supply of affordable housing.		X		City Administrator's Office, City Council, developers
<b><i>Impediment #2: Shortage of accessible housing units</i></b>				

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
<b>Action: Encourage development to meet the needs for senior housing and the provision of an adequate supply of units for persons with disabilities.</b>				
<b>Recommendation #4:</b> For new multifamily projects, the City should ensure that the minimum accessibility requirements of the building code are being met as well as adopt universal design features.			X	City Administrator's Office, Developers
<b>Recommendation #5:</b> Adopt a definition for disability that is consistent with the FHA and collect and update demographic information for residents with disabilities.	X			City Administrator's Office, City Council, Planning Department
<b>Recommendation #6</b> The City should consider expanding the Comprehensive Revitalization Program to include funding for accessibility modifications to existing homes.		X		City Administrator's Office, City Council,
<b>Impediment #3: Risk of inadequate planning to meet the needs of residents protected by the FHA.</b>				
<b>Action: Collect demographic data for members of the protected classes utilizing various sources including the U.S. Census as well as local data.</b>				
<b>Recommendation#7:</b> The City should ensure that it includes more extensive demographic data in its planning documents to ensure that protected persons are not excluded or neglected when communities make plans that involve housing related issues.	X			City Administrator's Office, Planning Department
<b>Impediment #4: The definition of family in the Zoning Ordinance has the effect of discriminating against unrelated persons who wish to reside together.</b>				
<b>Action: The City should review its zoning ordinance and revise the definition of family.</b>				
<b>Recommendation #8:</b> Remove the limitation on the number of unrelated persons that may reside		X		City Administrator's Office,

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
in a home and utilize occupancy limits to prevent overcrowding and maintain neighborhood character.				Planning Department, City Council
<b>J. Impediment #5: Group living facilities are not treated the same as single family residential homes and denies housing opportunities for persons with disabilities.</b>				
<b>Action: Review the current zoning and land use requirements to ensure that housing choices are not restricted for persons with disabilities.</b>				
<b>Recommendation#9:</b> Consider the implications of accommodating group residences throughout the community under the same standards as any other residential use.	X			City Administrator's Office, Planning Department, City Council
<b>Impediment #6: Discriminatory lending practices disproportionately impact minority census tracts based on loan denial rates.</b>				
<b>Action: The City should work with lenders in Fremont and request that they review their HMDA data to ensure that loan decisions are being made equitably.</b>				
<b>Recommendation #10:</b> The City should coordinate with lenders and banking associations to ensure that any discriminatory practices are eliminated.	X			City Administrator's Office, Lenders
<b>Impediment #7: The Rental Occupancy Licensing provisions of Ordinance #5165 (the Immigration Ordinance) may discriminate against Hispanics in the rental market.</b>				
<b>Action: The City should identify the impact that the Immigration Ordinance is having on minorities including legal immigrants and work with community groups and partners to address and reduce negative consequences.</b>				
<b>Recommendation#11:</b> Implement HUD's requested actions in order to mitigate against any adverse effects the Immigration Ordinance could have on limiting fair housing choice.	X			City Administrator's Office, City Council, HUD, Fair Housing Agencies
<b>Recommendation #12</b>	X			

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON-GOING GOALS	Responsible Parties
Publish additional materials that clarify aspects of the housing provisions of the Immigration Ordinance that remain unclear. Materials should be provided in English and Spanish for Limited English Proficient (LEP) populations.				City Administrator's Office, Fair Housing Agencies, City Attorney, City Council
<b>Recommendation #13</b> Consider establishing fair housing telephone, public television and/or social media access that provides information in multiple languages to provide answers to most frequently asked questions on fair housing, the immigration ordinance, how to file a housing discrimination complaint, and how to locate affordable housing in Fremont.	X			City Administrator's Office, Fair Housing Agencies, City Attorney, City Council
<b><i>Impediment #8: The Rental Occupancy Licensing provisions of Ordinance #5165 is an impediment in itself as it adds an additional step to securing housing especially for members of protected classes.</i></b>  <b><i>Action: Assess the impact of the Ordinance especially on members of the protected classes.</i></b>				
<b>Recommendation #14</b> The City should conduct an assessment of the impact of the Ordinance within the next 12 months and determine if any adjustments are required.	X			City Administrator's Office, Fair Housing Agencies, HUD, City Council
<b><i>Impediment#9: Lack of or inadequate fair housing education and enforcement in the rental community, as well as within the minority community.</i></b>  <b><i>Action: Continue fair housing education and outreach and expand opportunities for fair housing training.</i></b>				
<b>Recommendation #15:</b> The City should specifically target fair housing outreach to minorities and persons with English as a second language when planning to address impediments to fair housing choice.	X			City Administrator's Office, Fair Housing Agencies, HUD,

REMEDIAL ACTIONS RECOMMENDED	1-2 YEAR GOALS	3-5 YEAR GOALS	ON- GOING GOALS	Responsible Parties
<b>Recommendation#16:</b> Encourage real estate professionals to seek additional fair housing training to ensure that their clients fully understood fair housing rights. Encourage Realtors to provide fair housing materials as part of their policies and procedures.	X			City Administrator's Office, Fair Housing Agencies, Realtors
<b>Recommendation#17:</b> Hold public forums, roundtable discussions, and/or form a volunteer citizen committee to propose programs, policies, and other changes that would seek to alleviate impediments to fair housing choice through education and outreach.		X		City Administrator's Office, Fair Housing Agencies, HUD, lenders, realtors

## **Implementation Tracking**

The City's Fair Housing Officer is responsible for the oversight and tracking of the implementation of the fair housing action plan. The Fair Housing Officer will track the progress of the actions to address impediments to fair housing choice. The purpose of the implementation tracking is to analyze the impact of the actions taken and demonstrate that the City has met its obligation to affirmatively further fair housing. This section describes the process for tracking the City's progress in carrying out the recommendations to address the impediments to fair housing choice.

### **Ongoing Self-assessment**

It is recommended that the City conduct an ongoing self-assessment at mid-year to determine its progress in addressing the identified impediments and recommendations. The City's fair housing activities will be compared to the timelines stipulated in the fair housing action plan. If the City notices any deviations from the timeline, it should take the necessary steps to address any deficiencies or revise the timeline and document its files. Each recommendation proposed in the AI includes a timeframe for completion in periods of 1-2 years, 3-5 years, or on an ongoing basis.

### **Recordkeeping**

A key element of the monitoring process is recordkeeping. The City should maintain a fair housing file where all actions taken are recorded and updates are made on a regular basis. HUD requires that at a minimum, the file contain:

- A copy of the AI; and
- Records that show the grantee has taken actions to overcome the effects of impediments identified in the AI.

City staff shall maintain information in the fair housing file through the use of the suggested Fair Housing Compliance File Checklist.

### **Reporting**

In addition to the on-going self-assessment, the City will prepare its required Annual Reports to the State of Nebraska under its CDBG agreement, explaining how the jurisdiction is carrying out its housing and community development strategies, projects, and activities. As part of the report, the City must describe how it is carrying out its certification to affirmatively further fair housing by a) identifying the actions taken during the year; b) providing a summary of impediments to fair housing choice in the AI, and c) identifying actions taken to overcome effects of impediments identified in the AI.

### **Mid-period Assessment**

The AI is typically updated every five years. However, much can change within a five year span of time and as such, it is recommended that the City conduct a mid-

period assessment. The purpose of the mid-period assessment is to take a comprehensive look at the community in light of the changes that have been made due to the implementation of the actions outlined in the fair housing action plan and in relation to changes in population, demographics, economy, legislation, or any other factors that may impact fair housing choice. The mid-period assessment should be conducted at the end of the third year of implementation and should include the annual assessment for the year as well as a cumulative review of the actions taken and their impact for the three year period.

The City should compile and include the following in the mid-period assessment:

- Population demographic data relating to race, ethnic group, sex, age, and head of household;
- Characteristics of program beneficiaries;
- Affirmative marketing strategy and actions;
- Discrimination complaints filed and trends;
- Amendments or revisions to policies impacting land development, site selection, and zoning;
- Actions taken to affirmatively further fair housing; and
- Results of any needs assessments or studies for the area impacting fair housing.

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## FAIR HOUSING COMPLIANCE FILE CHECKLIST

Grantee: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

DATE	DESCRIPTION
_____	Current Consolidated Plan section applicable to Fair Housing
_____	Analysis of Impediments to Fair Housing Choice
_____	Annual Resolution or Proclamation of Fair Housing Month
_____	A summary report of all activities related to the AI
_____	List of the actions taken during the program year
_____	Notice of public meetings showing the fair housing and equal opportunity logo. Should also include language providing for accommodations for persons with Limited English Proficiency, disabilities including the hearing impaired.
_____	Summary or transcript of all public meetings, hearings, and citizen comments or other public input
_____	Sign-in sheet or list of attendees at public meetings or hearings
_____	Fair housing brochures and publications including subrecipient educational material
_____	Information about housing discrimination complaints and the disposition of each
_____	Notice of training or workshops regarding fair housing and list of attendees
_____	Description of funding or fair housing providers and bi-annual reports from such agencies
_____	Studies or reports evaluating the impact of the actions undertaken including applicable section of its required CDBG Annual Report to the State of Nebraska.
_____	Other:



## Appendix 1 - Glossary of Tables, Figures, and Maps

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## STAFF REPORT

**TO:** Honorable Mayor and City Council

**FROM:** Jody Sanders, Director of Finance

**DATE:** June 17, 2014

**SUBJECT:** Combined Utilities Bond Issue

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**Recommendation:** 1) Move to introduce Ordinance to issue Combined Utility Bonds Series 2014B. 2) Move to suspend rules and place on final reading Ordinance to issue Combined Utility Bonds Series 2014B. 3) Vote on Ordinance.

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**Background:** The Air Quality Control System (AQCS) project to comply with regulatory requirements at the power plant requires the issuance of bonds to finance the improvements. This project will span over two plus years, and we are in the middle of the first year of the project. This bond issue is the second bond issue for the project and will finance the remainder of the project. Standard and Poor's Ratings Services just reviewed the Utility bond rating and assigned a AA- rating for this issue. John Trecek with Ameritas Investment Corp. will be at the Council meeting to present the ordinance in final form.

**Fiscal Impact:** \$38 million in bond proceeds to finance the remainder of the AQCS project. Repayment will be over a 20 year period.

**#27**

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF COMBINED UTILITIES REVENUE BONDS, SERIES 2014B, OF THE CITY OF FREMONT, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF THIRTY-EIGHT MILLION DOLLARS (\$38,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE COMBINED UTILITIES OF THE CITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; FLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE COMBINED ELECTRIC SYSTEM, WATER SYSTEM, SEWER SYSTEM AND GAS SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID BONDS AND THE INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEMS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA:**

**Section 1. The Mayor and Council of the City of Fremont, Nebraska (the "City") hereby find and determine:**

(a) The City owns and operates an electric power plant and distribution system (said plant and system as now existing and all additions and improvements thereto hereafter constructed or acquired are herein referred to as the "Electric System"), which Electric System represents a revenue-producing undertaking of the City.

(b) The City owns and operates a water plant and distribution system (said plant and system as now existing and all additions and improvements thereto hereafter acquired are herein referred to as the "Water System"), which Water System represents a revenue-producing undertaking of the City.

(c) The City owns and operates a sewer plant and system (said plant and system as now existing and all additions and improvements thereto hereafter acquired are herein referred to as the "Sewer System"), which Sewer System represents a revenue-producing undertaking of the City.

(d) The City owns and operates a gas plant and distribution system (said plant and system as now existing and all additions and improvements thereto hereafter acquired are herein referred to as the "Gas System"), which Gas System represents a revenue-producing undertaking of the City.

(e) The Electric System, Water System, Sewer System and Gas System shall, together, be referred to in this Ordinance as the "Combined Utilities".

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(f) That the City has issued and there remain currently outstanding the following revenue bonds (the "2008 Bonds") which constitute a charge against the revenues of the Combined Utilities:

Combined Utilities Revenue Bonds, Series 2008, date of original issue September 3, 2008, issued pursuant to Ordinance No. 5110 of the City of which \$38,000,000 in principal amount are presently outstanding.

(g) That the City also has heretofore issued and there remain currently outstanding the following revenue bonds which constitute a charge against the revenues of the Combined Utilities:

Combined Utilities Revenue Refunding Bonds, Series 2009, date of original issue October 6, 2009, issued pursuant to Ordinance No. 5136 of which \$6,015,000 in principal amount are presently outstanding (the "Series 2009 Bonds");

Combined Utilities Revenue Refunding Bonds, Series 2011, date of original issue July 19, 2011, issued pursuant to Ordinance No. 5207 of which \$3,450,000 in principal amount are presently outstanding (the "Series 2011 Bonds");

Combined Utilities Revenue Refunding Bonds, Series 2012, date of original issue March 6, 2012, issued pursuant to Ordinance No. 5238 of which \$18,050,000 in principal amount are presently outstanding (the "Series 2012 Bonds");

Combined Utilities Revenue Bonds, Series 2013, date of original issue August 30, 2013, issued pursuant to Ordinance No. 5276 of which \$9,980,000 in principal amount are presently outstanding (the "Series 2013 Bonds"); and

Combined Utilities Revenue Refunding Bonds, Series 2014A, date of original issue June 3, 2014, issued pursuant to Ordinance No. 5305 of which \$2,420,000 in principal amount are presently outstanding (the "Series 2014A Bonds").

(h) The Series 2009 Bonds, the Series 2011 Bonds, the Series 2012 Bonds, the Series 2013 Bonds and the Series 2014A Bonds (collectively, the "Outstanding Parity Bonds"), together with the 2008 Bonds to be refunded, presently constitute the only outstanding indebtedness of the City for which the revenues of any of the Combined Utilities have been pledged under the terms of, Ordinance No. 5136, Ordinance No. 5207, Ordinance No. 5238, Ordinance No. 5276 and Ordinance No. 5305 (collectively the "Outstanding Parity Ordinances").

(i) that it is necessary and advisable that the City construct and acquire additions and improvements to and equipment for the Electric System (the "Project"); that the engineers for the City have filed an estimate of cost of the Project, which estimate is in excess of \$40,000,000; that it is necessary in order to pay a portion of the cost of the Project that bonds be issued which bonds will

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be payable from and shall be a lien upon the revenue and earnings of the Combined Utilities of the City,

(j) this ordinance provides for an increase in the monthly credits into the Bond Payment Account established and maintained pursuant to the Outstanding Parity Ordinances in amounts sufficient to pay, when due, the principal of and interest on the Outstanding Parity Bonds and the bonds herein authorized and provides for the pledging of the revenues of the Combined Utilities for the payment of all of said bonds;

(k) that under the terms of the Outstanding Parity Resolutions, the City may issue bonds which shall qualify as "Additional Bonds" payable out of the Net Revenues of equal lien to the Outstanding Parity Bonds provided that the Net Revenues of the Combined Utilities for the fiscal year next preceding the date of authorization of such Additional Bonds as based on a certified public accountant's report shall have been at least equal to 1.25 times the Average Annual Debt Service Requirements for the Outstanding Parity Bonds and the bonds to be authorized herein;

(l) the Net Revenues of the Combined Utilities (as defined in the Outstanding Parity Ordinances for the fiscal year ending September 30, 2013) were not less than \$13,981,398; the Average Annual Debt Service Requirements for the Outstanding Parity Bonds and the bonds herein authorized are not more than \$ \_\_\_\_\_; the required coverage for issuance of the bonds herein authorized as "Additional Bonds" under the Outstanding Parity Ordinances now exists and will exist as of the time of issuance of the bonds herein authorized;

(m) to satisfy the funding requirements described in this Section 1, it is necessary for the City to issue its Combined Utilities Revenue Bonds, Series 2014A, in the total principal amount of \$9,980,000 pursuant to Sections 18-1803 to 18-1805 R.R.S. Neb. 2012, as amended.

(n) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Series 2013 Bonds herein authorized as such "Additional Bonds" as provided for in the Outstanding Parity Ordinances and in this Ordinance do exist and have been done or are hereby required to be done in regular and due form and time as required by law.

**Section 2.** In addition to the definitions provided for in certain other Sections hereof, the following definitions of terms shall apply, unless the context shall clearly indicate otherwise:

(a) "Additional Bonds" shall mean any and all bonds hereafter issued by the City pursuant to the terms of this Ordinance which are equal in lien to the Outstanding Parity Bonds, including any such bonds issued pursuant to Section 13 hereof, and refunding bonds issued pursuant to Section 14 hereof, as and when such bonds are or become equal in lien to the Outstanding Parity Bonds according to their terms and the terms of said Sections.

(b) "Average Annual Debt Service Requirements" shall mean that number computed by adding all of the principal and interest due when computed to the absolute maturity of the bonds for which such computation is required and dividing by the number of years remaining that the longest

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bond of any issue for which such computation is required has to run to maturity. In making such computation, the principal of any bonds for which mandatory redemptions are scheduled shall be treated as maturing in accordance with such schedule of mandatory redemptions.

(c) "Deposit Securities" shall mean direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(d) "Maximum Annual Debt Service Requirements" shall mean the maximum aggregate amount of payments of principal and interest due with respect to the bonds for which such computation is required in any one fiscal year. In making such computations the principal of any bonds for which mandatory redemptions are scheduled shall be treated as maturing in accordance with such schedule of mandatory redemptions.

(e) "Net Revenues" shall mean the gross revenues derived by the City from the ownership or operation of the Combined Utilities, including investment income, but not including any income from sale or disposition of any property belonging to or forming a part of the Combined Utilities, less the ordinary expenses to the City of operating and maintaining the Combined Utilities payable from the Operation and Maintenance Account as described in Section 11 in this Ordinance. Operation and maintenance expenses for purposes of determining "Net Revenues" shall not include depreciation, amortization (of financing expenses) or interest on any bonds or other indebtedness. Net Revenues for all purposes of this Ordinance shall be shown by an audit for the fiscal year in question as conducted by independent certified public accountants.

(f) "Paying Agent and Registrar" shall mean for the Series 2014B Bonds the paying agent and registrar designated in Section 4 of this Ordinance. For the Outstanding Parity Bonds and any series of Additional Bonds, "Paying Agent and Registrar" shall mean the officer or institution designated for such office in the applicable Outstanding Parity Ordinance.

(g) "Permitted Investments" shall mean Deposit Securities and, to the extent permitted by applicable law;

(i) Investments in U.S. dollar denominated deposit accounts, federal funds, bankers acceptances, and certificates of deposit of any bank whose short term debt obligations are rated "A-1+" by S&P and "P-1" by Moody's and maturing no more than 360 calendar days after the date of purchase (holding company ratings are not considered as ratings of a bank);

(ii) Certificates of deposit of any bank, which certificates are fully insured by the Federal Deposit Insurance Corporation ("FDIC");

(iii) Investments in money market funds rated "AAAm" or "AAAm-G" by S&P;

(iv) Commercial paper which is rated at the time of purchase in the single highest classification, "P-1" by Moody's Inc. and "A-1+" by S&P and which matures not more than 270 calendar days after the date of purchase; or

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(v) Municipal obligations rated "Aaa/AAA" or general obligations of States with a rating of "A1/A+" or higher by both Moody's and S&P;

**Section 3.** To provide funds to pay the costs of constructing improvements as set out in Section 2 hereof there shall be and there are hereby ordered issued Combined Utilities Revenue Bonds, Series 2014B of the City of Fremont, Nebraska, in the principal amount of Thirty-eight Million Thousand Dollars (\$38,000,000) (the "Series 2014B Bonds") to bear date of original issue of July 29, 2014, in fully registered form. Said bonds shall bear interest at the rates per annum and mature on July 15 of each year in the principal amounts as follows:

<u>Principal Amount</u>	<u>Maturing on July 15 of Year</u>	<u>Interest Rate</u>
\$ 200,000	2015	
645,000	2016	
650,000	2017	
760,000	2018	
675,000	2019	
695,000	2020	
720,000	2021	
755,000	2022	
800,000	2023	
825,000	2024	
825,000	2025	
1,250,000	2026	
1,000,000	2027	
3,150,000	2028	
3,500,000	2029	
21,550,000	2034	

**\*Term Bonds due July 15, 2034**

The Series 2014B Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Series 2014B Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Series 2014B Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Series 2014B Bonds, at the respective rates for each maturity, shall be payable on January 15, 2015 and semiannually thereafter on July 15 and January 15 of each year (each an "Interest Payment Date"), and the Series 2014B Bonds shall bear such interest from the date of original issue or most recent Interest Payment Date to which interest has been paid or provided for, whichever is later, until maturity or earlier redemption. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the last day of the month immediately preceding the month in



which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. Payments of interest due on the Series 2014B Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Series 2014B Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or earlier redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Series 2014B Bonds to said Paying Agent and Registrar at its principal corporate trust office. The City and said Paying Agent and Registrar may treat the registered owner of any Series 2014B Bond as the absolute owner of such Series 2014B Bond for the purpose of making payment thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Series 2014B Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Series 2014B Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Series 2014B Bonds or claims for interest to the extent of the sum or sums so paid. The terms of this Ordinance relating to payment and transfer of the Series 2014B Bonds are subject to the further provisions of Section 8 hereof while the Series 2014B Bonds are outstanding in book-entry form.

Section 4. The First National Bank of Omaha (successor in interest to The Fremont National Bank and Trust Company), Fremont, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Series 2014B Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Series 2014B Bonds at its principal corporate trust office. The names and registered addresses of the registered owner or owners of the Series 2014B Bonds shall at all times be recorded in such books. Any Series 2014B Bond may be transferred pursuant to its provisions at the principal corporate trust office of said Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Series 2014B Bond or Series 2014B Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Series 2014B Bonds by this ordinance, one Series 2014B Bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Series 2014B

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Bond, the surrendered Series 2014B Bond or Series 2014B Bonds shall be canceled and destroyed. For every such exchange or transfer of Series 2014B Bonds, the City, or the Paying Agent and Registrar may make a charge sufficient to reimburse the City or the Paying Agent and Registrar (as the case may be) for any tax, fee or other governmental charge required to be paid with respect to any such exchange or transfer. All Series 2014B Bonds issued upon transfer of the Series 2014B Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Series 2014B Bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the Series 2014B Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Series 2014B Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Series 2014B Bonds called for redemption for a period of thirty (30) days next preceding any date fixed for redemption prior to maturity. In the event that payments of interest due on the Series 2014B Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Series 2014B Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

**Section 5.** Bonds maturing on or after July 15, 2020 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after July 29, 2019, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. The bonds maturing as term bonds on July 15, 2034 shall be redeemed, in part, prior to their stated maturity, on July 15, 2030 and on July 15 of each year thereafter until paid with such mandatory redemptions and payment at maturity to be for the dates and in the amounts set forth below.

<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
\$3,700,000	2030
3,900,000	2031
4,200,000	2032
4,500,000	2033
5,250,000 (final maturity)	2034

Such mandatory redemptions for such bonds due as term bonds shall be at a price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent and Registrar shall select such bonds for mandatory redemption using any random method of selection determined appropriate by Paying Agent and Registrar. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty (30) days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such

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notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such bond for which defective notice has been given.

**Section 6.** If any Series 2014B Bond is not paid upon presentation of such bond at maturity or any interest installment is not paid when due, such delinquent Series 2014B Bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

**Section 7.** If the date for payment of the principal of or interest on the Series 2014B Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

**Section 8.** The Series 2014B Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each such bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Mayor and City Clerk, said bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his official bond. The Paying Agent and Registrar shall register each Series 2014B Bond in the name of its initial registered owner as designated by the initial purchaser. Each Series 2014B Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Series 2014B Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (including any Blanket Letter previously executed and delivered) (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Series 2014B Bonds. Upon issuance of the Series 2014B Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds such bonds as securities depository (each, a "Bond Participant") or

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to any person who is an actual purchaser of a Series 2014B Bond from a Bond Participant while the Series 2014B Bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Series 2014B Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Series 2014B Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Series 2014B Bonds.

The Paying Agent and Registrar shall make payments with respect to the Series 2014B Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Series 2014B Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Series 2014B Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Series 2014B Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Series 2014B Bonds or (ii) to make available Series 2014B Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Series 2014B Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Series 2014B Bonds be delivered to the ultimate Beneficial Owners of the Series 2014B Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Series 2014B Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the

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**Series 2014B Bonds as requested by the Depository in appropriate amounts and in authorized denominations.**

**(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Series 2014B Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such bond and all notices with respect to such bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.**

**(e) Registered ownership of the Series 2014B Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Series 2014B Bonds may be delivered in physical form to the following:**

**(i) any successor securities depository or its nominee; or**

**(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.**

**(f) In the event of any partial redemption of a Series 2014B Bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the Series 2014B Bonds issued to the Depository or its nominee shall contain a legend to such effect.**

**If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Series 2014B Bond shall cease to be such officer before the delivery of such bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The Series 2014B Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Series 2014B Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.**

**Section 9. The Series 2014B Bonds shall be in substantially the following form:**

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UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF DODGE  
CITY OF FREMONT

COMBINED UTILITIES REVENUE BOND,  
SERIES 2014B

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate  
%

Maturity Date  
July 15, \_\_\_\_\_

Date of  
Original Issue  
July 29, 2014

CUSIP No.

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fremont, in the County of Dodge, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay, but only from special sources hereinafter described, the principal amount specified above to the registered owner specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from the date of original issue specified above or most recent Interest Payment Date to which interest has been paid or provided for, whichever is later, to maturity or earlier redemption at the rate per annum specified above. Said interest shall be payable on January 15, 2015, and semiannually thereafter on July 15 and January 15 of each year (each, an "Interest Payment Date"). Such interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. If this bond is not paid upon presentation of the bond at maturity or if any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The principal of this bond and the interest due at maturity or earlier redemption are payable upon presentation and surrender of this bond at the corporate trust office of the First National Bank of Omaha, the Paying Agent and Registrar, in Fremont, Nebraska. Interest on this bond due prior to maturity (or early redemption) will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the last day of the month immediately preceding the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever moneys for such purpose become available.

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This bond is one of an issue of fully registered bonds of the total principal amount of \$38,000,000 of like tenor herewith except as to denomination, date of maturity and rate of interest issued by said City for the purpose of paying the costs of constructing additions and improvements to the combined utilities of the City in pursuance of Sections 10-142, 18-1803 to 18-1805, R.R.S. Nebraska 2012, and has been duly authorized by an ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City (the "Ordinance").

Bonds maturing on or after July 15, 2020 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after July 29, 2019, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the bonds to be redeemed from such optional redemption in its sole discretion but bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. The bonds maturing as term bonds on July 15, 2034 shall be redeemed, in part, prior to their stated maturity, on July 15, 2029 and on July 15 of each year thereafter until paid with such mandatory redemptions and payment at maturity to be for the dates and in the amounts set forth below.

<u>Date of Redemption</u>	<u>Amount Required to be Redeemed</u>
2030	\$3,700,000
2031	3,900,000
2032	4,200,000
2033	4,500,000
2034	5,250,000

Such mandatory redemptions for such bonds due as term bonds shall be at a price equal to 100% of the principal amount redeemed, plus accrued interest to the date fixed for redemption. The Paying Agent and Registrar shall select such bonds for mandatory redemption using any random method of selection determined appropriate by Paying Agent and Registrar. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty (30) days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment as provided herein and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

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**AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.**

**UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSONS IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.**

**If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.**

**The revenue and earnings of the electric plant and distribution system, water plant and distribution system, sewer plant and system and gas works and distribution system owned by the City of Fremont, Nebraska, and all improvements and additions thereto hereafter acquired (collectively the "Combined Utilities") have been pledged and hypothecated for the payment of this bond and the other bonds of this issue, for the payment of the City's Outstanding Parity Bonds (as described in the Ordinance) and for the payment of any additional bonds of equal priority issued in accordance with the ordinance authorizing the bonds of this issue. The bonds of this issue are a lien only upon said revenue and earnings and are not general obligations of the City of Fremont, Nebraska.**

**The ordinance authorizing the issuance of this bond and the other bonds of this issue sets forth the covenants and obligations of the City with respect to the Combined Utilities and the application of the revenues to be derived therefrom, which revenues are by the terms of said ordinance to be deposited into the "Fremont Combined Utilities Fund" and disbursed to pay the costs of operation and maintenance, make payments of principal and interest on the bonds of this issue and make other payments as specified in the Ordinance. The Ordinance designates the terms and**



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conditions on which additional bonds of equal lien to the bonds of this issue may be issued, and the terms and conditions upon which the City may combine an additional utility or utilities with the Combined Utilities in connection with the issuance of such additional bonds. The Ordinance also designates the terms and conditions on which this bond shall cease to be entitled to any lien, benefit or security under such Ordinance and all covenants, agreements and obligations of the City under such Ordinance may be discharged and satisfied at or prior to the maturity or redemption of this bond, if moneys or certain specified securities shall have been deposited with the Paying Agent and Registrar or a designated trustee. The City also reserves the right to issue bonds junior in lien to the bonds of this issue the principal and interest of which shall be payable from moneys in the "Surplus Account" of the Fremont Combined Utilities Fund as described in the Ordinance.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond do exist, did happen and were done in regular and due form and time as provided by law.

IN WITNESS WHEREOF, the Mayor and Council of the City of Fremont, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto, all as of the date of original issue shown above.

**CITY OF FREMONT, NEBRASKA**

By \_\_\_\_\_ ~~(Do not sign)~~  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk  
(SEAL)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds authorized by an Ordinance passed and approved by the Mayor and Council of the City of Fremont as described in said bond.

First National Bank of Omaha,  
Fremont, Nebraska, Paying  
Agent and Registrar

By \_\_\_\_\_ ~~(Do not sign)~~  
Authorized Officer

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**(FORM OF ASSIGNMENT)**

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: \_\_\_\_\_

**SIGNATURE GUARANTEED**

\_\_\_\_\_  
Registered Owner

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

**Note:** The signature(s) of this assignment **MUST CORRESPOND** with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

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**Section 10.** After registration, the Paying Agent and Registrar shall deliver the Series 2014B Bonds to the City Treasurer who shall then deliver the Series 2014B Bonds to Ameritas Investment Corp., as initial purchaser thereof in accordance with Section 19 hereof.

**Section 11.** The revenues and earnings of the Combined Utilities are hereby pledged and hypothecated, equally and ratably, for the payment of the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds and interest on such Outstanding Parity Bonds, Series 2014B Bonds and any Additional Bonds. The pledge of the revenues and earnings of the Combined Utilities provided for in this ordinance for the Outstanding Parity Bonds and the Series 2014B Bonds, subject to the right of the City to issue Additional Bonds as provided in this Ordinance, is intended as a first and prior pledge of, lien on and security interest in such revenues and earnings for the payment of principal of and interest on the Outstanding Parity Bonds and the Series 2014B Bonds, superior to any pledge or promise made with respect to any other indebtedness of the City as to its Combined Utilities, and is intended to be a full exercise of the powers of the City provided for in Sections 18-1803 to 18-1805 with respect to its Combined Utilities. The City hereby agrees with the holders of said Outstanding Parity Bonds, Series 2014B Bonds and Additional Bonds as follows:

(a) **FREMONT COMBINED UTILITIES FUND** - The entire gross revenues and income derived from the operation of the Combined Utilities shall be set aside as collected and deposited in a separate fund which has been previously created by Ordinance No. 3748 (and affirmed in the Outstanding Parity Ordinances and as hereby affirmed) and which is herein designated and referred to as the "Fremont Combined Utilities Fund." For purposes of allocating the monies in the Fremont Combined Utilities Fund, the City shall set up and maintain the following accounts: (1) Operation and Maintenance Account; (2) Bond Payment Account; (3) Debt Service Reserve Account; and (4) Surplus Account.

(b) **OPERATION AND MAINTENANCE ACCOUNT** - Out of the Fremont Combined Utilities Fund, there shall be monthly credited into the Operation and Maintenance Account such amounts as the City shall from time to time determine to be necessary to pay the reasonable and necessary expenses of operating and maintaining the Combined Utilities and the City may withdraw funds credited to the Operation and Maintenance Account as necessary from time to time to pay such expenses. Expenses of operation and maintenance shall not include payment on any indebtedness.

(c) **BOND PAYMENT ACCOUNT** - Out of the Fremont Combined Utilities Fund, there shall be credited monthly on or before the tenth (10<sup>th</sup>) day of each month to the Bond Payment Account, the following amounts:

(1) Commencing on the tenth (10<sup>th</sup>) day of the month following the month in which the Series 2014B Bonds are issued (the "Initial Deposit Date"), and continuing on the corresponding day of each

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month thereafter an amount which, when combined with additional equal monthly amounts to be deposited pursuant to this subparagraph prior to the next falling Interest Payment Date, will be sufficient to provide funds to pay the installment of interest due with respect to the Series 2014B Bonds on such Interest Payment Date; and

(2) Commencing on the Initial Deposit Date, and continuing on the corresponding day of each month thereafter an amount which, when combined with additional equal monthly amounts to be deposited pursuant to this subparagraph prior to the next principal maturity date (or mandatory sinking fund redemption date, if applicable) with respect to the Series 2014B Bonds will be sufficient to provide funds to pay such maturing principal amount (or make such mandatory sinking fund redemption payment, if applicable) on such date.

The City Treasurer is hereby authorized and directed, without further authorization, to withdraw monies credited to the Bond Payment Account, or if the monies in such Account are insufficient, then from the Debt Service Reserve Account (to the extent that there are funds available with respect to any specific issue) and next from the Surplus Account, an amount sufficient to pay, when due, the principal of and interest on the Outstanding Parity Bonds and the Series 2014B Bonds or any Additional Bonds and to transfer such amount to the Paying Agent and Registrar for each series of bonds on or before each principal payment date and interest payment date. Upon the issuance of any Additional Bonds pursuant to this Ordinance, appropriate additional credits to the Bond Payment Account shall be provided for sufficient to pay principal and interest on said Additional Bonds.

(d) **DEBT SERVICE RESERVE ACCOUNT** - Within the Debt Service Reserve Account there has been and shall be established separate sub-accounts for each series of the Outstanding Parity Bonds and each series of Additional Bonds, as shall be deemed appropriate by the Mayor and Council in connection with each such issue. A subaccount for each of the Outstanding Parity Bonds shall be continued in accordance with the terms of each of such Outstanding Parity Ordinance. For the Series 2014B Bonds, there is hereby ordered established the Series 2014B Debt Service Reserve Sub-account into which there shall be deposited from funds of the City on hand the sum of \$ \_\_\_\_\_ which shall be maintained as the required balance so long as any of the Series 2014B Bonds remain outstanding. Monies credited to the Series 2014B Debt Service Reserve Sub-account may be withdrawn, as needed, to provide funds to pay when due the principal of and interest on the Series 2014B Bonds, if the Bond Payment Account contains insufficient funds for such purpose, and the City Treasurer is hereby authorized and directed to make such withdrawal if and when needed. The Series 2014B Debt Service Reserve Sub-account has been established with respect to and shall be maintained for the security

of the Series 2014B Bonds only. In the event of any withdrawal from the Series 2014B Debt Service Reserve Sub-account, but subject to allocation among other sub-accounts in the Debt Service Reserve Account as described below, there shall be credited to the Series 2014B Debt Service Reserve Sub-account in the month following such withdrawal all monies in the Fremont Combined Utilities Fund remaining after making the payments required to be made in such month to the Operation and Maintenance Account and the Bond Payment Account and each month thereafter all such remaining monies shall be credited to the Series 2014B Debt Service Reserve Sub-account until such sub-account has been restored to the required balance. In issuing any series of Additional Bonds, a separate sub-account in the Debt Service Reserve Account may be established for such series of Additional Bonds but is not required under the terms of this Ordinance. The amount (if any) to be maintained in any such sub-account shall be set at the discretion of the Mayor and City Council, and may be zero dollars (\$0.00), but in no event shall the required balance for any such additional sub-account established for any series of Additional Bonds within the Debt Service Reserve Account exceed an amount equal to 1.20 times the Average Annual Debt Service Requirements for the issue of Additional Bonds for which such reserve sub-account is established. The balance in any such additional sub-account may be funded from monies on hand or from periodic deposits from revenues in the Fremont Combined Utilities Fund or from the proceeds of such Additional Bonds. Each sub-account in the Debt Service Reserve Account shall be of equal standing with each other sub-account in the Debt Service Reserve Account and available monies from the Fremont Combined Utilities Fund required to be credited to each such sub-account at any time shall be allocated on a pro rata basis between sub-accounts then requiring credits in accordance with the respective unpaid principal amounts then outstanding for each such issue for which there is a sub-account requiring credits. Each sub-account in the Debt Service Reserve Account shall constitute a separate fund held in trust by the City Treasurer for the separate benefit of the issue of bonds for which it is established. Anything in this Subsection 11(d) to the contrary notwithstanding, the amount required to be maintained in the Debt Service Reserve Account or any sub-account therein shall not at any time exceed the maximum amount permitted to be invested without yield restriction under Section 148 of the Internal Revenue Code of 1986, as amended, or any successor provision or related statutory limitation and applicable regulations of the United States Treasury Department.

(e) **SURPLUS ACCOUNT** - Monies in the Fremont Combined Utilities Fund remaining after the credits required in the foregoing Subsections 11(b), 11(c) and 11(d) shall be credited to the Surplus Account. Monies in the Surplus Account may be used to make up the deficiencies in the preceding Accounts, to retire any of the Outstanding Parity Bonds, the Series 2014B Bonds or any Additional Bonds prior to their maturity, to pay principal of and interest on any junior lien indebtedness incurred with respect to the Combined Utilities, to provide for improvements or replacements for the Combined Utilities or to provide for any other lawful purpose of

the City as directed by the Mayor and City Council. Monies credited to the Surplus Account may periodically be transferred to such other funds or accounts of the City as the Mayor and Council may direct from time to time so long as there are no deficiencies in the credits required to be made to any of the Accounts or sub-accounts described in Subsections 11(b), 11(c) or 11(d).

The provisions of this Section 11 shall require the City to maintain a set of books and records in accordance with such accounting methods and procedures as are generally applicable to municipal utility enterprises, which books and records shall show credits to and expenditures from the several Accounts and sub-accounts required by this Section. Monies credited to the Fremont Combined Utilities Fund or any of the Accounts therein as established by this Ordinance shall be deposited or invested separate and apart from other City funds. Except as specified below for the Debt Service Reserve Account, the City shall not be required to establish separate bank or investment accounts for the Accounts and sub-accounts described in Subsection 11(b), 11(c), 11(d) and 11(e). Monies credited to the Debt Service Reserve Account or any sub-account therein shall, if maintained in a demand or time deposit account, be kept in a separate account and not commingled with other Combined Utilities funds or Accounts. If invested, monies credited to the Debt Service Reserve Account may be commingled with other Combined Utilities funds or Accounts so long as the City maintains books and records clearly identifying the specific investments, or portions thereof, which belong to the Debt Service Reserve Account or any sub-account therein.

Monies in any of said Accounts except the Debt Service Reserve Account may be invested in Permitted Investments which are eligible for investment of other City funds. Monies in the Debt Service Reserve Account may be invested in Permitted Investments consisting of Deposit Securities, in obligations of any agency of the United States government, or in savings accounts or other interest bearing accounts in banks which are members of the Federal Deposit Insurance Corporation, except that whenever the amount so deposited exceeds the amount of the F.D.I.C. insurance available thereon, the excess shall be secured in the manner required by Section 16-715 R.R.S. Nebraska 2012. Investments made from or attributable, in whole or in part, to the Debt Service Reserve Account including any sub-account therein shall mature or be redeemable at the option of the holder, without penalty, in not more than ten years. Income from or profit realized from investment for any Account or sub-account shall be credited to such Account or sub-account until such Account or sub-account contains any amount then required to be therein, and thereafter such income or profit shall be transferred to the Fremont Combined Utilities Fund and treated as other revenues from the operation of the Combined Utilities.

**Section 12.** So long as any of the Series 2014B Bonds and any Additional Bonds issued pursuant to this Ordinance shall remain outstanding and unpaid, the City covenants and agrees to establish, revise, from time to time as necessary, and collect such rates, charges and rentals for the service furnished from the Combined Utilities adequate to produce revenues and earnings sufficient at all times:

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(a) To provide funds to pay, when due, the principal of and interest on the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds issued pursuant to this Ordinance.

(b) To pay all proper and necessary costs of operation and maintenance of the Combined Utilities and to pay for the necessary and proper repair, replacements, enlargements, extensions and improvements to the Combined Utilities.

(c) To provide funds sufficient to make the credits into the Accounts and sub-accounts and at the times and in the amounts required by the Ordinance and the Outstanding Parity Ordinances.

(d) To maintain Net Revenues in each fiscal year adopted by the City for the Combined Utilities in an amount not less than 1.20 times the total amount of principal paid or payable (exclusive of any principal redeemed prior to maturity other than principal redeemed pursuant to a schedule of mandatory redemptions) and interest falling due during such fiscal year on the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds.

**Section 13.** To provide funds for any purpose related to the Combined Utilities, the City may issue Additional Bonds (other than Additional Bonds issued for refunding purposes which are governed by Section 14 of this Ordinance) payable from the revenues of the Combined Utilities having equal priority and on a parity with the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds then outstanding, only upon compliance with the following conditions:

(a) Such Additional Bonds shall be issued only pursuant to an ordinance which shall provide for an increase in the monthly credits into the Bond Payment Account in amounts sufficient to pay, when due, the principal of and interest on the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds then outstanding and the proposed Additional Bonds.

(b) The City shall have complied with one or the other of the two following requirements:

(1) The Net Revenues derived by the City from its Combined Utilities for the fiscal year next preceding the issuance of the Additional Bonds shall have been at least equal to 1.25 times the Average Annual Debt Service Requirements of the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds, all as then outstanding, and of the proposed Additional Bonds; or, if a report from a certified public accountant for the fiscal year next preceding the year in which the proposed Additional Bonds are to be issued is not yet available, then the most recent report available may be accepted so long as the City Treasurer or Superintendent of

Utilities or City Administrator certifies that there are no known changes in results of operations for the then most recently completed fiscal year which would materially reduce the Net Revenues of the Combined Utilities below the level required to provide such coverage of 1.25 times; or

(2) The City shall have received a projection made by a consulting engineer or firm of consulting engineers, recognized as having experience and expertise in municipal utility systems, projecting that the Net Revenues of the Combined Utilities in each of the three (3) full fiscal years after the issuance of such Additional Bonds will be at least equal to 1.25 times the Average Annual Debt Service Requirements of the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds, all as then outstanding, and of the proposed Additional Bonds. In making such projection, the consulting engineer shall use as a basis the Net Revenues of the Combined Utilities during the last fiscal year for which an independent audit has been prepared and shall adjust such Net Revenues as follows: (A) to reflect changes in rates which have gone into effect since the beginning of the fiscal year for which the audit was made, (B) to reflect such engineer's estimate of the net increase over or net decrease under the Net Revenues of the Combined Utilities for the fiscal year for which the audit was made by reason of: (i) changes of amounts payable under existing contracts for services; (ii) additional general income from sales to customers under existing rate schedules for various classes of customers or as such schedules may be revised under a program of changes which has been adopted by the Mayor and Council of the City; (iii) projected revisions in costs for labor, wages, salaries, machinery, equipment, supplies, purchased power or gas and other operational items; (iv) revisions in the amount of service to be supplied and any related administrative or other costs associated with such increases due to increased supply from the acquisition of any new facility; and (v) such other factors affecting the projections of revenues and expenses as the consulting engineer deems reasonable and proper. Annual debt service on any proposed Additional Bonds to be issued may be estimated by the consulting engineer in projecting Average Annual Debt Service Requirements, but no Additional Bonds shall be issued requiring any annual debt service payment in excess of the amount so estimated by the consulting engineer.

If the City shall find it desirable it shall also have the right when issuing Additional Bonds to combine with its Combined Utilities any other utilities of the City authorized to be combined under Section 18-1803 through 18-1805 R.R.S. Nebraska 2012, and to cause all of the revenues of such



combined utilities systems to be paid into the Fremont Combined Utilities Fund, and to provide that all of the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds previously issued, all as then outstanding, and the proposed issue of Additional Bonds shall be payable from the revenues of such combined utilities and shall stand on a parity and in equality as to security and payment, provided, however, no utility shall be combined with the Combined Utilities as contemplated in this paragraph unless the City is current with all the payments required to be made into the accounts described in Section 11 and the Net Revenues of such combined utilities systems shall satisfy one or the other of the requirements for Additional Bonds provided in subsection (b) in the paragraph immediately above. For purposes of meeting such requirements, the definition of Net Revenues shall be altered to include the gross revenues of the additional utility or utilities and take into consideration the ordinary expenses of operating and maintaining the additional utility or utilities and for such purposes any engineer furnishing projections may take into consideration the factors described in (B)(i), (ii), (iii), (iv) and (v) of (b)(2) above with respect to such additional utility or utilities. Net Revenues of the additional utility or utilities shall be based upon the report or reports of independent certified public accountants in the same manner as is required under (b)(1) or (b)(2) above. In the event of any such combining of any other utility or utilities with the Combined Utilities, the term "Combined Utilities" as used in this Ordinance shall be automatically deemed to include the Electric System, the Water System, the Sewer System, the Gas System and the other utility or utilities combined with them for such purpose of issuing Additional Bonds.

The City hereby covenants and agrees that so long as any of the Outstanding Parity Bonds, the Series 2014B Bonds and any Additional Bonds are outstanding, it will not issue any bonds or notes or incur any other indebtedness payable from the revenues of the Combined Utilities except in accordance with the provisions of this Ordinance, provided, however, the City reserves the right to issue bonds or notes which are junior in lien to the Outstanding Parity Bonds, the Series 2014B Bonds and any such Additional Bonds with the principal and interest of such bonds or notes to be payable from moneys credited to the Surplus Account as provided in Subsection 11(e).

Section 14. The City may issue refunding bonds, which shall qualify as Additional Bonds of equal lien to refund any of the Outstanding Parity Bonds, the Series 2014B Bonds or Additional Bonds then outstanding, provided, that, if any such Outstanding Parity Bonds, Series 2014B Bonds or Additional Bonds are to remain outstanding after the issuance of such refunding bonds, the principal payments due in any calendar year in which those bonds which are to remain outstanding mature, shall not be increased over the amount of such principal payments which would have been due in such calendar years immediately prior to such refunding. Refunding bonds issued in accordance with this paragraph of this Section 14 may be issued as Additional Bonds of equal lien without compliance with the conditions set forth in Subsection 13(b) of this Ordinance.

The City may also issue refunding bonds which shall qualify as Additional Bonds of equal lien to refund any Outstanding Parity Bonds, Series 2014B Bonds or Additional Bonds then outstanding, provided, that, if any Outstanding Parity Bonds, Series 2014B Bonds or Additional Bonds then outstanding are to remain outstanding after the application of the proceeds of the refunding bonds to the payment of the bonds which are to be refunded, such issuance must comply with the Net Revenues test set forth in Subsection 13(b)(1) of this Ordinance and, if the proceeds of

such refunding bonds are not to be applied immediately to the satisfaction of the bonds which are to be refunded, then such refunding bonds must provide by their terms that they shall be junior in lien to all Outstanding Parity Bonds, Series 2014B Bonds and any Additional Bonds outstanding at the time of issuance of such refunding bonds until the time of application of their proceeds to the satisfaction of the bonds which are to be refunded. In computing Average Annual Debt Service Requirements to show compliance with said Net Revenues test for such refunding bonds, all payments of principal and interest due on such refunding bonds from the time of their issuance to the time of application of the proceeds of such refunding bonds to the satisfaction of the bonds which are to be refunded shall be excluded from such computation to the extent that such principal and interest are payable from sources other than the revenues of the Combined Utilities, such as bond proceeds and investment earnings on bond proceeds while held in escrow, or from monies in the Surplus Account and all payments of principal and interest due on the bonds which are to be refunded from and after the time of such application shall also be excluded. For purposes of this paragraph of this Section 14, the time of application of the proceeds of the refunding bonds to the satisfaction of the bonds which are to be refunded shall be the time of deposit with the Paying Agent and Registrar for such bonds which are to be refunded pursuant to Section 10-126 R.R.S. Nebraska 2012 (or any successor statutory provision thereto) or the time when such bonds which are to be refunded under the terms of their authorizing ordinance or ordinances are no longer deemed to be outstanding, whichever occurs sooner.

Section 15. So long as any Series 2014B Bonds or Additional Bonds are outstanding, the City hereby covenants and agrees as follows:

(a) The City will continue to own and maintain the Combined Utilities in good condition and will continuously operate the same in a reasonable and efficient manner, and the City will punctually perform all the duties with reference to said utilities required by the Constitution and statutes of the State of Nebraska, but this covenant shall not prevent the City from discontinuing the use and operation of all or any portion of the Combined Utilities as long as the revenues derived from the City's ownership of the properties constituting the Combined Utilities shall be sufficient to fulfill the City's obligations under Sections 11 and 12 of this Ordinance and Sections 11 and 12 of the other Outstanding Parity Ordinances or to dispose of property no longer deemed necessary or useable in connection with the operation of the Combined Utilities as determined by the Mayor and Council.

(b) The City will not grant any franchise or right to any person, firm or corporation to own or operate any utility system or systems in competition with the Combined Utilities.

(c) The City will maintain insurance on the property constituting the Combined Utilities (other than such portions of said Combined Utilities as are not customarily insured) against risks customarily carried by similar utilities, but including fire and extended coverage insurance in an amount which would enable the City to repair, restore or replace the property damaged to the extent necessary to

make the Combined Utilities operable in an efficient and proper manner to carry out the City's obligations under this Ordinance. The Mayor and Council shall annually, within six (6) months after the end of each fiscal year adopted by the City for the Combined Utilities, examine the amount of insurance carried with respect to the Combined Utilities and shall evidence approval of such insurance by resolution. The proceeds of any such insurance received by the City shall be used to repair, replace or restore the property damaged or destroyed to the extent necessary to make the Combined Utilities operable in an efficient and proper manner, and any amount of insurance proceeds not so used shall be credited to the Surplus Account. In the event of any such insured casualty loss, the City may advance funds to make temporary repairs or provide for an advance on costs of the permanent repair, restoration or replacement from the Operation and Maintenance Account and any such advances shall be repaid from insurance proceeds received.

(d) The City will keep proper books, records and accounts separate from all other records and accounts in which complete and correct entries will be made of all transactions relating to the Combined Utilities. The City will have its operating and financial statements relating to the Combined Utilities audited annually by a certified public accountant or firm of certified public accountants. So long as the Outstanding Parity Bonds are outstanding, the City will furnish to the original purchasers of the Series 2014B Bonds and to the original purchaser or purchasers of each series of Additional Bonds issued hereunder, within four (4) months after the end of each fiscal year of the Combined Utilities, a copy of the financial statements of the Combined Utilities and the report thereon of the certified public accountants. Once the Outstanding Parity Bonds are no longer outstanding the City will furnish to the original purchasers of any Additional Bonds, within nine months after the end of each fiscal year of the Combined Utilities, a copy of the financial statements of the Combined Utilities and the report thereon of the certified public accountants.

(e) The City shall cause each person handling any of the monies in the Fremont Combined Utilities Fund to be bonded by an insurance company licensed to do business in Nebraska in an amount or amounts deemed sufficient by the Mayor and Council to cover the amount of money belonging to the Combined Utilities reasonably expected to be in the possession or control of any such person. The amount of such bond or bonds shall be fixed by the Mayor and Council and the costs thereof shall be paid as an operating and maintenance expense from the Operation and Maintenance Account.

**Section 16.** The City's obligations under this Ordinance and the liens, pledges, covenants and agreements of the City herein made or provided for, shall be fully discharged and satisfied as to the Series 2014B Bonds or any Additional Bonds issued pursuant to this Ordinance and any such bonds shall no longer be deemed outstanding hereunder if such bonds shall be been purchased and canceled by the City, or when payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the

terms thereof, or (b) shall have been provided for by depositing with the Paying Agent and Registrar therefor, or with a national or state bank having trust powers or trust company, in trust solely for such payment (1) sufficient money to make such payment and/or (2) Deposit Securities in such amount and bearing interest at such rates and payable at such time or times and maturing or redeemable at stated fixed prices at the option of the holder as to principal at such time or times as will ensure the availability of sufficient money to make such payment, provided, however, that with respect to any bond to be paid prior to maturity, the City shall have duly given notice of redemption of such bond as required by this Ordinance or given irrevocable instructions for the giving of such notice. Any such money so deposited with such Paying Agent and Registrar or bank or trust company in excess of the amount required to pay principal of and interest on the bonds for which such monies were deposited, shall be paid over to the City as and when collected. For purposes of this Section 16, any Deposit Securities shall be non-callable or callable only at the option of the holder.

Section 17. The terms and provisions of this Ordinance do and shall constitute a contract between the City and the holder or holders of the Series 2014B Bonds and no changes, variations or alterations of any kind, except for changes necessary to cure any ambiguity, formal defect or omission, shall be made to this Ordinance without the written consent of the holders of two-thirds (2/3rds) in principal amount of the Series 2014B Bonds then outstanding, provided, however, that neither the principal and interest to be paid upon any bond or the maturity date of any bond shall be changed without the written consent of all holders of the Series 2014B Bonds then outstanding affected thereby. The holder of any Series 2014B Bond or Bonds may, either in law or in equity, by suit, action, mandamus or other proceeding, enforce or compel performance of any and all of the acts and duties required by this Ordinance, and any court of competent jurisdiction may, after any default in payment of bonds or in compliance with any of the covenants herein contained and on application of any such holder, appoint a receiver to take charge of the Combined Utilities and operate the same and apply the earnings thereof to the payment of the principal of and interest on the outstanding bonds issued pursuant to this Ordinance and the Outstanding Parity Bonds in accordance with the provisions of this Ordinance and the Outstanding Parity Ordinances.

Section 18. In accordance with the requirements of Rule 15c2-12 of the Securities Exchange Act of 1934 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Series 2014B Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

- (a) not later than seven (7) months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City generally consistent with the information set forth in the Introductory Section and the Statistical Section of the City's Comprehensive Annual Financial Report ("Annual Financial Information");
- (b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting

principles; and

- (c) in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Series 2014B Bonds:
- (1) principal and interest payment delinquencies;
  - (2) non-payment related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability (not applicable to the Series 2014B Bonds), Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Series 2014B Bonds, or other material events affecting the tax status of the Series 2014B Bonds;
  - (7) modifications to rights of the holders of the Series 2014B Bonds, if material;
  - (8) bond calls, if material, and tender offers;
  - (9) defeasances;
  - (10) release, substitution, or sale of property securing repayment of the Series 2014B Bonds, if material;
  - (11) rating changes;
  - (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business

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of the City);

- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; or
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

- (d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information not later than the Delivery Date.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be provided for filing in such format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Series 2014B Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Resolution. The continuing disclosure obligations of the City, as described above, shall cease when none of the Series 2014B Bonds remain outstanding.

**Section 19.** The Series 2014B Bonds are hereby sold to Ameritas Investment Corp. (the "Underwriter") for \$\_\_\_\_\_, plus accrued interest, if any, on the stated principal amount of the bonds to date of payment and delivery. Such purchase price takes into consideration underwriter's discount in the amount of \$\_\_\_\_\_. The City Treasurer is authorized to deliver the Series 2014B Bonds to said purchaser upon receipt of such purchase price plus accrued interest to date of payment. Said bonds are sold to the purchaser subject to the opinion of independent bond counsel that said bonds are lawfully issued; that said bonds constitute a valid obligation of the City, and that under existing laws and regulations the interest on said bonds is exempt from both Nebraska state and federal income taxes. The City Council hereby authorizes the Mayor and Clerk or either of them to approve, execute and deliver on behalf of the City a final Official Statement relating to and describing the Series 2014B Bonds. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with they carrying out and performance of the terms of this ordinance. The bond purchase agreement for the Series 2014B Bonds between the City and the Underwriter is hereby approved in the form presented and its execution and delivery by the City's officers (or any one or more of them) is hereby authorized. The net principal proceeds of the Series 2014B Bonds shall be applied to the payment of Project costs as set forth in Section

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1. Amounts from the proceeds of the Series 2014B Bonds to be applied to the costs of improvements to the Combined Utilities shall be applied upon order of the Mayor and Council.

Section 20. The Mayor and City Clerk of the City are hereby authorized to do all things and execute all such documents as may by them be deemed necessary and proper to complete the issuance and sale of the Series 2014B Bonds as contemplated by this ordinance.

Section 21. The City hereby covenants to the purchasers and holders of the Series 2014B Bonds that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Series 2014B Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City further agrees that it will not take any actions which would cause the 2014B Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code.

Section 22. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds), the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

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**Section 23.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**Section 24.** This Ordinance shall be in force and take effect from and after its passage and approval according to law. This Ordinance shall be published in pamphlet form.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By \_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

(SEAL)



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I, the undersigned, City Clerk for the City of Fremont, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on \_\_\_\_\_; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

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City Clerk

(SEAL)

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## "EXHIBIT A"

### Policy and Procedures Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Tax Advantaged Bonds

ISSUER NAME: City of Fremont, Nebraska  
COMPLIANCE OFFICER (BY TITLE): City Finance Director

#### POLICY

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as tax credit, direct pay subsidy or other tax-advantaged bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments or tax credits associated with its bonds issued as tax advantaged bonds are received in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

#### PROCEDURES

**Compliance Officer.** Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

**Training.** The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website ["EMMA"] at <http://www.emma.msrb.org>, or elsewhere).

**Compliance Review.** A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer's annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

#### Scope of Review.

**Document Review.** At the compliance review, the following documents (the "Bond Documents") shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings");
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

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- (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - (ii) Form 8038 series filed with the Internal Revenue Service;
  - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

***Use and Timely Expenditure of Bond Proceeds.*** Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

***Arbitrage Yield Restrictions and Rebate Matters.*** The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

***Use of Bond Financed Property.*** Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

***Continuing Disclosure.*** Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure

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### Obligation.

**Record Keeping.** If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

**Incorporation of Tax Documents.** The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

**Consultation Regarding Questions or Concerns.** Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

**VCAP and Remedial Actions.** The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

## STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: PAUL PAYNE, CITY ATTORNEY

DATE: JUNE 19, 2014

SUBJECT: WEST MILITARY RIGHT OF WAY

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RECOMMENDATION: Move to approve Resolution

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Background: The 2013 West Military Improvement, Ridge Road to Pierce Street project is in full swing. In order to meet completion deadlines, it may be necessary to negotiate for right-of-way. By approving this resolution, if negotiations are unsuccessful, proceedings can begin for condemnation so that the project will not be held up for a timely completion.

The Resolution would allow for acquisition by condemnation if negotiations of an acceptable purchase price are not successful for right-of-way along the 2013 West Military Improvement, Ridge Road to Pierce Street project.

**#28**

RESOLUTION NO. \_\_\_\_\_

A Resolution of the City Council of the City of Fremont, Nebraska, authorizing the City Attorney to proceed with condemnation proceedings for right-of-way acquisitions along the 2013 West Military Improvements, Ridge Road to Pierce Street project.

WHEREAS, Fremont City Council approved Resolution No. 2013-187 awarding the contract for 2013 West Military Improvements, Ridge Road to Pierce Street on September 24, 2013; and,

WHEREAS, the project may require the acquisition of right-of-way to complete the project

NOW THEREFORE BE IT RESOLVED: That the City Attorney is hereby authorized to proceed as necessary to file condemnation proceedings on those tracts where right-of-way and/or easements are required for project completion for the 2013 West Military Improvements, Ridge Road to Pierce Street where negotiations with the property owners have been unsuccessful.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, City Engineer/Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Consider request to replat part of Lots 3 & 4 of Umstead's Addition, Fremont, NE into two lots.

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**Recommendation:** Move to approve Resolution.

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**Request:** The applicant seeks approval of a replat that will adjust the lot lines of two parcels of ground located in Umstead's Addition, Fremont, NE near the intersection of 14<sup>th</sup> Street and Bell Street.

**Background:** The replat is being requested by the existing owner of both properties involved – Parcel 1: the West 60' of Lots 3 & 4, Block 6, Umstead's Addition, Fremont, NE and Parcel 2: the South 60' of the East 90' & 14' of Vacated Street Adjacent to Lot 3, Block 6 & Tax Lot 368 Umstead's Addition, Fremont, NE. The intent of the replat is to increase the size of Parcel 2.

The lot is within an R-2 Moderate Density Residential Zoning District, as is all of the surrounding area. The proposed replat will reduce the size of Parcel 1 such that it will no longer meet the minimum lot size for R-2 Zoning. A variance will be required for said lot.

This replat was approved by the Planning Commission on June 16, 2014 with the condition that the Board of Adjustment grants a variance allowing for a lot less than the minimum size for its zoning classification.

Findings: The proposed re-plat will be in compliance with the requirements of the R-2 Zoning District, except for the aforementioned lot size issue, and the Future Land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

**#29**

**RESOLUTION NO. \_\_\_\_\_**

A Resolution of the City Council of the City of Fremont, Nebraska, approving the request to replat the West 60' Lots 3 & 4, Block 6 and the South 60' of the East 90' and 14' vacated street adjoining Lot 3, Block 6 and Tax Lot 368, Umstead's Addition, Dodge County, Nebraska into two lots.

RESOLVED: That Richard M. Horeis and Cindy S. Horeis, owners of part of Section 14, Township 17 North, Range 9 East, Dodge County, Nebraska, desire to re-plat said property into the following two lots:

1243 N Pebble – a parcel of land located in Section 14, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

South 60' of the Lot 3 (150' Length) & 14' Vacated Pebble Street Adjacent to said 60' of Lot 3, Umstead's Addition to the City of Fremont, Dodge County, Nebraska.

935 East Linden – a parcel of land located in Section 14, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

The west 60 feet & North 72 feet of Lots 3 & 4, Block 6, Umstead's Addition to the City of Fremont, Dodge County, Nebraska.

The replat of the property is hereby approved subject to:

1. Receipt of proper easements
2. Capping of any necessary utility services

and the Mayor and City Clerk are hereby directed to sign this Resolution on behalf of the City Council.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk



# EXISTING LOT CONFIGURATION

1243 N PEBBLE

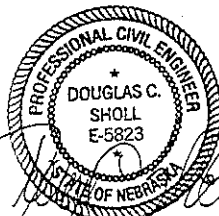
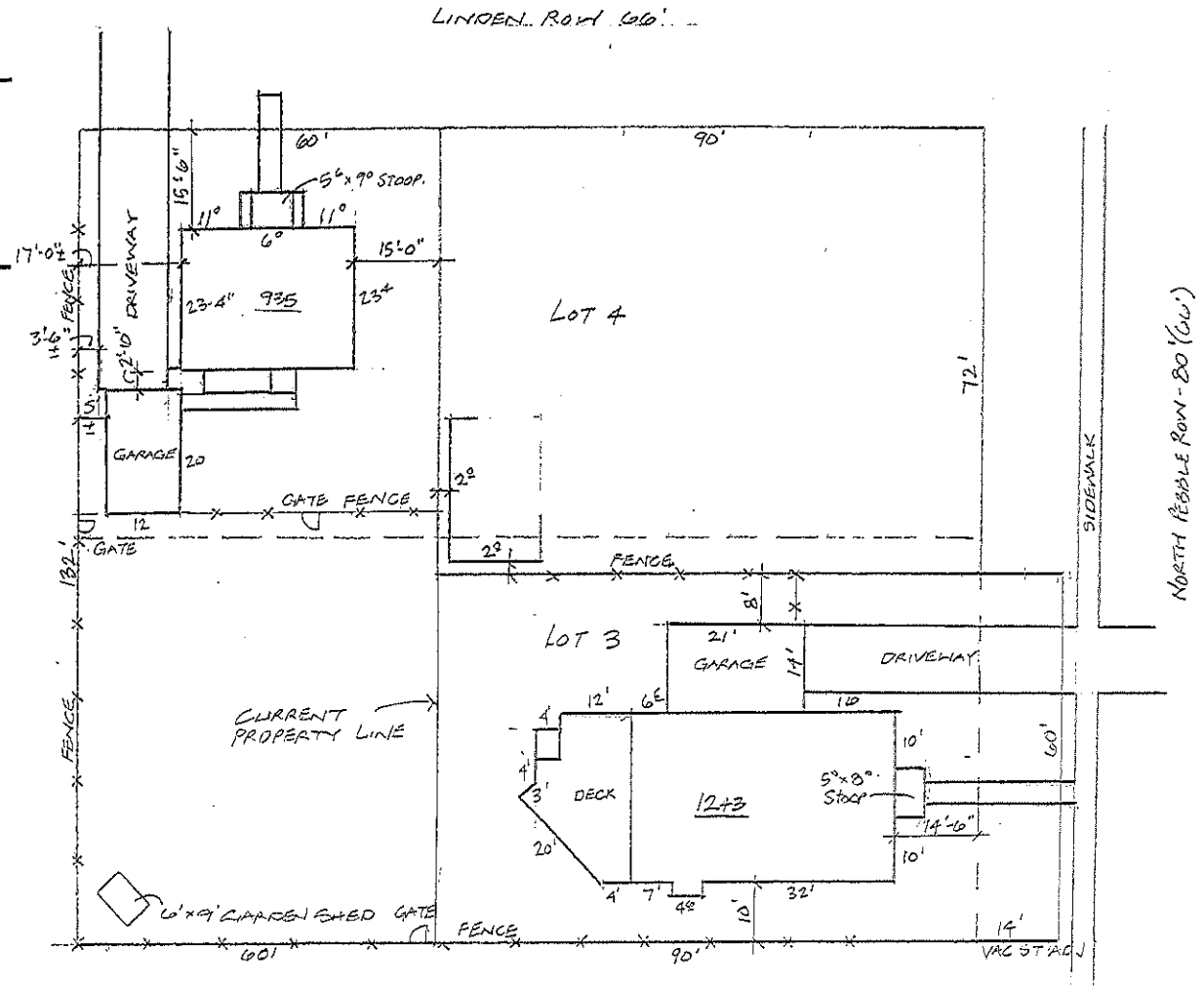
## Parcel Information

Legal Description: UMSTEADS S60'E90' & 14' VAC ST ADJ LOT 3 BLK 6 & TL 368  
Property ID: 270057365

935 E LINDEN

## Parcel Information

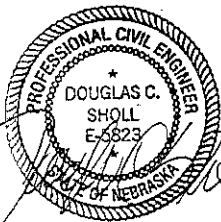
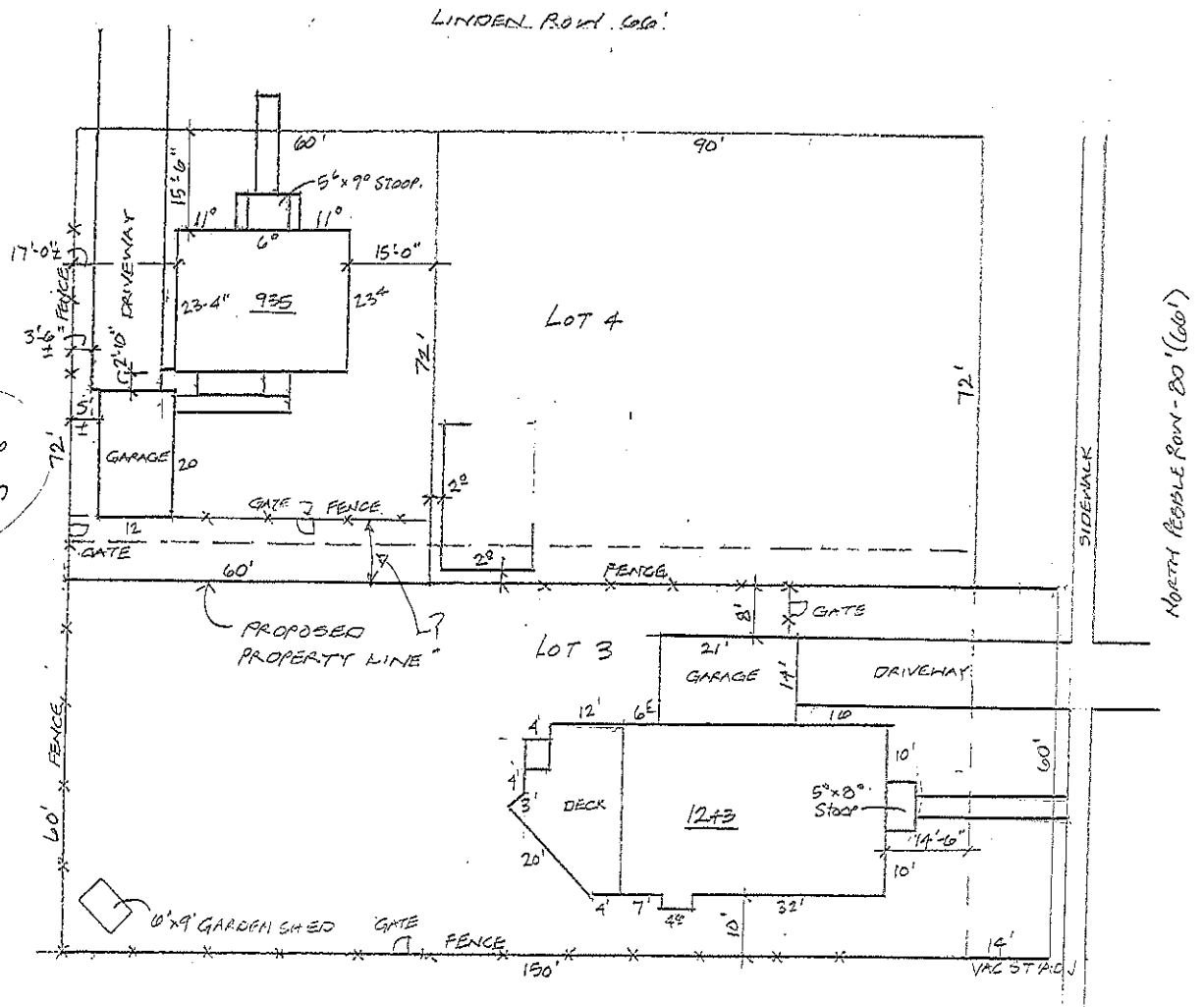
Legal Description: UMSTEADS W60' LOTS 3 & 4 BLK 6  
Property ID: 270057372



5/28/2014

EXISTING PLOT PLANS  
FOR 12+3 PEBBLE & 935 LINDEN  
1"=20'-0"

# PROPOSED LOT CONFIGURATION



5/29/2014

PROPOSED PLOT PLANS  
FOR 1243 PEBBLE & 935 LINDEN  
1" = 20'-0"

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Request to replat (Parcel 1) Lots 3, 4, 5 & 6, excepting the West 86 feet of Lot 6 and including the North 60 feet of Lot 2, excepting the East 70 feet of the South 6 feet of the North 60 feet of Lot 2 and including (Parcel 2) the West 86 feet of Lot 6, Block 23, Abbotts Addition, Fremont, NE into a single lot.

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**Recommendation:** Move to approve Resolution

---

**Request:** The applicant seeks approval of a replat that will combine the lots as listed above into a single lot.

**Background:** The replat is being requested by the existing owner of both properties described above with the intent to combine the two lots into a single lot.

Parcel 1, as described above currently is split zoned with the north portion of the lot along 1<sup>st</sup> Street being within a LI Limited Industrial Zoning District as is the ground to the immediate north. The south portion of Parcel 1 is within an R-2 Moderate-Density Residential Zoning District as is the ground immediately to the south and to the west of the property. To the east, the ground is zoned GI General Industrial. Parcel 2 is within an R-2 Moderate-Density Residential Zoning District. Because of this split zoning and the inclusion of an additional piece of R-2 zoned property, a request to rezone said parcels as LI Limited Industrial is accompanying this proposed re-plat to clean-up and properly zone the industrial land use.

The Planning commission approved this replat on June 16, 2014.

**Findings:** The proposed replat will be in compliance with the requirements of the LI Limited Industrial Zoning District and the Future Land Use Plan, once the proposed rezoning is approved, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

**RESOLUTION NO. \_\_\_\_\_**

A Resolution of the City Council of the City of Fremont, Nebraska, approving the replat of Lots 3, 4, 5 and 6, together with the North 60' of Lot 2, except the East 70' of the South 6' of the North 60' of said Lot 2, all in Block 23, Abbott's Addition, Dodge County, Nebraska into one lot.

RESOLVED: That Eric Bowman, owner of part of Section 22, Township 17 North, Range 8 East, Dodge County, Nebraska, desires to replat said property into the following single lot:

A parcel of land located in Section 22, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

Beginning at the northwest corner of Lot 5, Block 23, Abbott's Addition to the City of Fremont, Dodge County, NE, said point of beginning being on the south right-of-way line of First Street; thence S88°19'29"E along said south right-of-way line a distance of 281.10 feet to a point on the west right-of-way line of K Street; thence S01°46'24"W along said west right-of-way line a distance of 194.02 feet; thence N88°18'22"W a distance of 70.22 feet; thence S01°45'28"W a distance of 6.00 feet; thence N88°18'22"W a distance of 70.22 feet; thence N01°44'32"E a distance of 60.00 feet to the south-east corner of Lot 6, Block 23, Abbott's Addition to the City of Fremont, Dodge County, NE; thence N88°18'24"W along the south line of said Lot 6 a distance of 140.47 feet to a point on the east right-of-way line of L Street; thence N01°42'40"E along said east right-of-way line a distance of 140.01 feet to the point of beginning.

The re-plat of the property is hereby approved subject to:

1. Receipt of proper easements
2. Capping of any necessary utility services

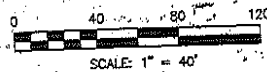
and the Mayor and City Clerk are hereby directed to sign this Resolution on behalf of the City Council.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk

[illegible]

A	ACTUAL DISTANCE	R	RECORDED DISTANCE
P	PLATTED DISTANCE	D	DEEDED DISTANCE
O	FOUND POINT	C	CALCULATED DISTANCE
OT	OPEN TOP PIPE	•	SET 3/4" X 24" REBAR
-----	CENTERLINE		WITH LS-803 CAP
-----	PLATTED LOT LINE	.....	EXISTING LOT LINE
-----	PROPOSED LOT LINE		

**DODDENENGINEERING.NET**

402 NORTH D ST. P.O. BOX 1045 FREDONTE, NE 68020

## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Request to rezone (Parcel 1) part of Lots 3, 4, 5 & 6, excepting the West 86 feet of Lot 6 and including the North 60 feet of Lot 2, excepting the East 70 feet of the South 6 feet of the North 60 feet of Lot 2 and including (Parcel 2) the West 86 feet of Lot 6, Block 23, Abbotts Addition, Fremont, NE from R-2 Moderate-Density Residential Zoning to LI Limited Industrial Zoning. Said Parcel to be re-platted as Lot 1, Replat 1 of Block 23 Abbott's Addition.

---

Recommendation: 1) Move to introduce Ordinance. 2) Move suspend the rules and place on final reading 3) vote on Ordinance

---

**Request:** The applicant seeks approval of a request to rezone the property listed above from R-2 Moderate-Density Residential to LI Limited Industrial zoning.

**Background:** The re-zoning is being requested by the applicant at the suggestion of Staff.

Parcel 1, as described above currently is split zoned with the north portion of the lot along 1<sup>st</sup> Street being within a LI Limited Industrial Zoning District as is the ground to the immediate north. The south portion of Parcel 1 is within an R-2 Moderate-Density Residential Zoning District as is the ground immediately to the south and to the west of the property. To the east, the ground is zoned GI General Industrial. Parcel 2 is within an R-2 Moderate-Density Residential Zoning District. Because of this split zoning and the inclusion of an additional piece of R-2 zoned property, a request to rezone said parcels as LI Limited Industrial is accompanied by proposed re-plat to clean-up and properly zone the industrial land use.

**Findings:** The proposed rezoning will be in compliance with the requirements of the LI Limited Industrial Zoning District and the Future Land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, AMENDING PARAGRAPH "B" OF ARTICLE 406 OF ORDINANCE NO. 3939 TO REZONE THE PROPERTY DESCRIBED HEREIN FROM R-2 MODERATE DENSITY RESIDENTIAL DISTRICT TO LI – LIMITED INDUSTRIAL DISTRICT; TO REPEAL PARTS OF ORDINANCE NO. 3939 IN CONFLICT HEREWITH; AND, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA;

SECTION I. REZONE. That Paragraph "b" of Article 40 of Ordinance No. 3939 as it pertains to the Official Zoning Map is changed to rezone the following described real estate: Lots 3, 4, 5 and 6; together with the north 60 feet of the Lot 2, excepting the east 70 feet of the south 6 feet of the north 60 feet of said Lot 2; all in Block 23, Abbott's Addition to the City of Fremont, Dodge County, Nebraska, located in Section 22, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. from R-2 Moderate-Density Residential District to LI – Limited Industrial District, more particularly described as follows:

A parcel of land located in Section 22, Township 17 North, Range 8 East of the 6<sup>th</sup> P.M. more particularly described as:

Beginning at the northwest corner of Lot 5, Block 23, Abbott's Addition to the City of Fremont, Dodge County, NE, said point of beginning being on the south right-of-way line of First Street; thence S88°19'29"E along said south right-of-way line a distance of 281.10 feet to a point on the west right-of-way line of K Street; thence S01°46'24"W along said west right-of-way line a distance of 194.02 feet; thence N88°18'22"W a distance of 70.22 feet; thence S01°45'28"W a distance of 6.00 feet; thence N88°18'22"W a distance of 70.22 feet; thence N01°44'32"E a distance of 60.00 feet to the southeast corner of Lot 6, Block 23, Abbott's Addition to the City of Fremont, Dodge County, NE; thence N88°18'24"W along the south line of said Lot 6 a distance of 140.47 feet to a point on the east right-of-way line of L Street; thence N01°42'40"E along said east right-of-way line a distance of 140.01 feet to the point of beginning.

SECTION II. REPEAL. That part of the official zoning map referred to in Paragraph "b" of Article 406 of Ordinance No. 3939 or any other section of said ordinance in conflict with this ordinance is hereby repealed.

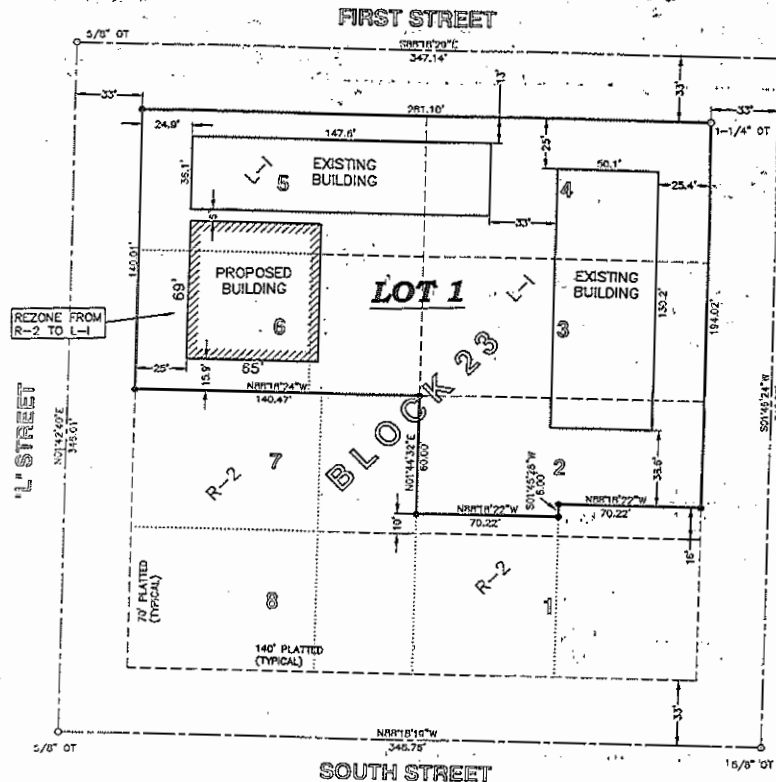
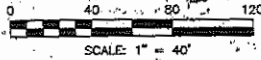
SECTION III. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
SCOTT GETZSCHMAN, MAYOR

ATTEST:

\_\_\_\_\_  
KIMBERLY VOLK, MMC, CITY CLERK



A	ACTUAL DISTANCE	R	RECORDED DISTANCE
P	PLATTED DISTANCE	D	DEEDED DISTANCE
O	FOUND POINT	C	CALCULATED DISTANCE
OT	OPEN TOP PIPE	●	SET 3/4" X 24" REBAR
	CENTERLINE		WITH LS-S03 CAP
	PLATTED LOT LINE		EXISTING LOT LINE
	PROPOSED LOT LINE		

FREMONT, DODGE COUNTY, NEBRASKA.

LOTS 3, 4, 5 AND 6; TOGETHER WITH THE NORTH 60 FEET OF LOT 2, EXCEPTING THE EAST 70 FEET OF THE SOUTH 6 FEET OF THE NORTH 60 FEET OF SAID LOT 2; ALL IN BLOCK 23, ABBOTT'S ADDITION TO THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

KNOW ALL MEN BY THESE PRESENTS: THAT ERIC L. BOWMAN, OWNER AND PROPRIETOR OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, HAS CAUSED THE SAME TO BE COMBINED INTO ONE LOT, SAID SUBDIVISION TO BE KNOWN AS "REPLAT 1 OF BLOCK 23, ABBOTT'S ADDITION", AND WE APPROVE THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, I DO HEREBY SET MY HANDS THE  
 \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

ERIC L. BOWMAN

## STATE OF NEBRASKA )

COUNTY OF DODGE

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.O. 20\_\_\_\_, BEFORE ME, A GENERAL NOTARY PUBLIC,  
PERSONALLY APPEARED ERIC L. BOWMAN, WHO IS KNOWN TO  
ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON  
THE FOREGOING DEDICATION, AND WHO HEREBY ACKNOWLEDGES  
THE SIGNING OF SAID INSTRUMENT TO BE HIS VOLUNTARY ACT  
AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL DATE LAST AFORESAID.

GENERAL NOTARY PUBLIC

COMMISSION EXPIRES

I HEREBY CERTIFY AS THE UNDERSIGNED REGISTERED LAND SURVEYOR, THAT I HAVE SURVEYED THE TRACT OF LAND SHOWN AND DESCRIBED HEREON, AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR WILL BE SET AS SHOWN WITHIN 60 DAYS OF FILING OF THIS PLAT IN THE DODGE COUNTY REGISTER OF DEEDS OFFICE.

STEPHEN W. DODD, LS-503

1) DISTANCES ARE ACTUAL UNLESS OTHERWISE SHOWN.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "REPLAT 1 OF BLOCK 23, ABBOTT'S ADDITION" WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

CHAIR

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

A.D. 20\_\_\_\_, THIS "REPLAT 1 OF BLOCK 23, ABBOTT'S ADDITION" WAS APPROVED AND ACCEPTED BY RESOLUTION OF THE CITY COUNCIL THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.


MAYOR

CLERK



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1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26



## STAFF REPORT

**TO:** Mayor and City Council

**FROM:** Justin Zetterman, Interim Planning Director

**DATE:** June 20, 2014

**SUBJECT:** Request to approve a conditional use application to erect an oversized accessory building, 2450 W Military Ave, Fremont, Dodge County, Nebraska (Victory Lake Marine, Inc.)

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Recommendation: Move to continue request of Ron Vlach, Victory Lake Marine, for a Conditional Use Permit to erect an oversized accessory building at 2450 West Military.

---

**Request:** The applicant seeks approval of a conditional use permit in order to erect an oversized accessory building on West Military Avenue. The proposed use for this site and structure is long term vehicle storage.

**Background:** The request is for tract of land just outside of the corporate boundary in the City's extraterritorial jurisdiction. The parcel is 10.26 acres in size.

The area is zoned RL Lake and River Residential, as are the surrounding tracts of land immediately west, south, and north of this parcel. RR Rural Residential zoning is located to the immediate east of the property. Land uses in this area are residential in nature, although the character is somewhat rural.

The request for the conditional use is based on the desire for an accessory building that is larger allowed by the zoning ordinance. Section 704 of the zoning ordinance notes that in the RL zoning district parcels with a lot area over 5 acres in size may have an accessory building in excess of 2400 square feet with a conditional use permit. The proposed building is 75'x300'. Table 4-2 of the zoning ordinance, Permitted Uses by Zoning Districts, lists Long Term Vehicle Storage as permitted by conditional use permit.

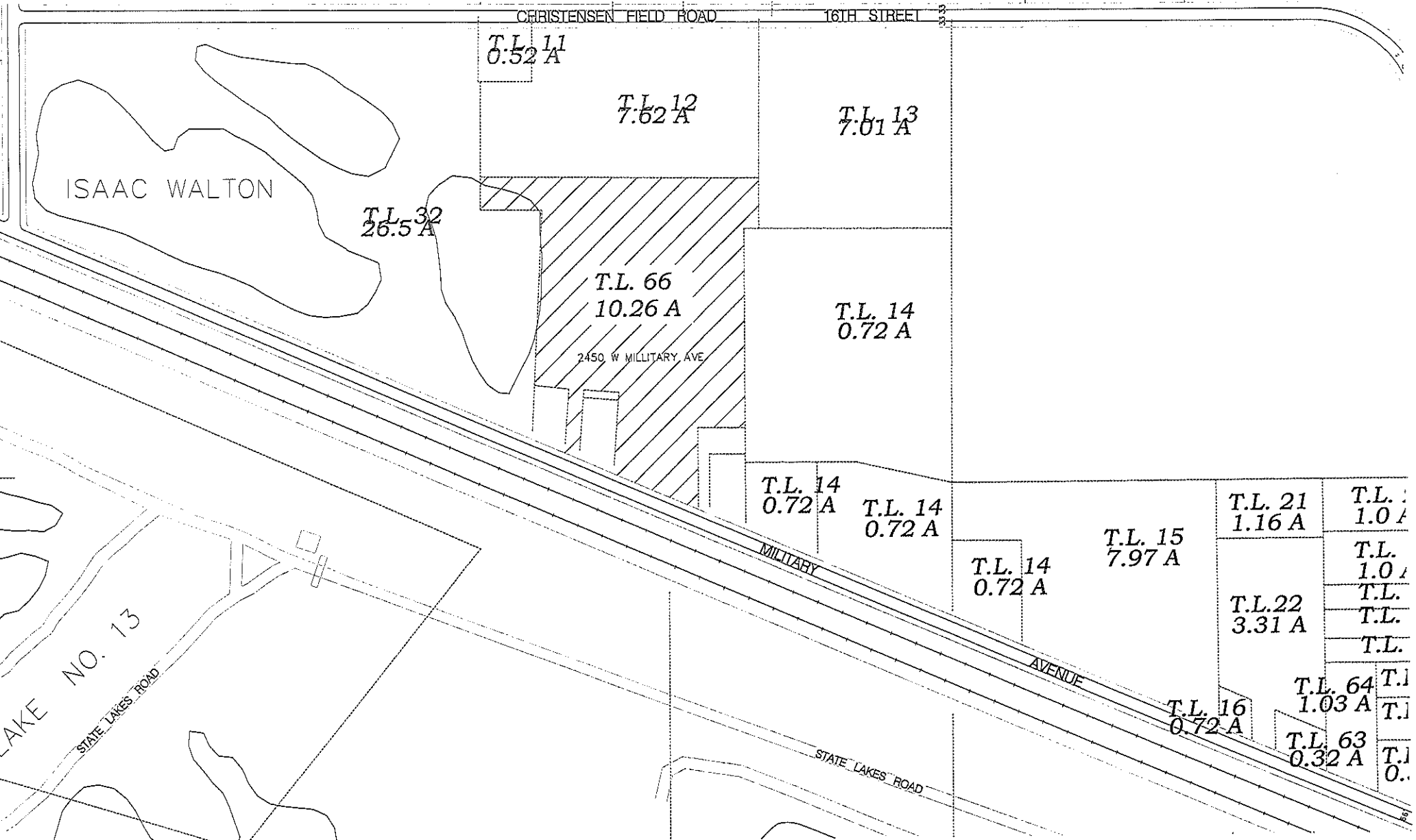
The Planning Commission approved this conditional use permit on June 16, 2014 subject to Board of Adjustment approval to locate the proposed building within the front yard setback.

Board of Adjustment continued the item at is June 23, 2014 meeting.

**Findings:** The proposed conditional use, subject to the conditions outlined above, will be in compliance with the requirements of the RL Lake and River Residential zoning district as well as meeting the intent of the Future land Use Plan, and is in conformance with the proposed Comprehensive Plan, Blueprint for Tomorrow.

	CRITERIA	Compliance
Land Use Compatibility		
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	Yes
Height and Scale		
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	Yes

Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	Yes
Building Coverage	Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping or site amenities.	Yes
Site Development		
Frontage	Project frontage along a street should be similar to lot width.	Yes
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	Yes
	All structures must be accessible to public safety vehicles.	Yes
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	Yes
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	Yes
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations	Yes
Operating Characteristics		
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	Yes
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	Yes
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	Yes
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	Yes
Public Facilities		
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	Yes
	Sanitary sewer must have adequate capacity to serve development.	Yes
Utilities	Project must be served by utilities.	Yes
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	NA
Comprehensive Plan	Projects should be consistent with the City of Fremont's Comprehensive Development Plan.	Yes



CHRISTENSEN FIELD ROAD

16TH STREET

T.L. 11  
0.52 A

T.L. 12  
7.62 A

T.L. 13  
7.01 A

ISAAC WALTON

T.L. 32  
26.5 A

T.L. 66  
10.26 A

2450 W MILITARY AVE

T.L. 14  
0.72 A

T.L. 14  
0.72 A

T.L. 14  
0.72 A

T.L. 14  
0.72 A

T.L. 15  
7.97 A

T.L. 21  
1.16 A

T.L. 21  
1.0 A

T.L. 21  
1.0 A

T.L. 21  
1.0 A

T.L. 21  
1.0 A

T.L. 22  
3.31 A

T.L. 64  
1.03 A

T.L. 64  
1.0 A

T.L. 63  
0.32 A

T.L. 63  
0.3 A

T.L. 16  
0.72 A

LAKE NO. 13

STATE LAKES ROAD

MILITARY AVENUE

AVENUE

STATE LAKES ROAD

S89°58'29"W  
172.31'

PROPOSED BUILDING  
450 WEST MILITARY AVE.  
VICTORY LAKE MARINE

2450

TAX LOT 66  
10.26 ACRES

ISAAC  
WALTON  
LEAGUE

N02°34'07"E 608.36'

481.78'

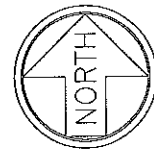
PROPOSED  
300' X 75'  
BUILDING

GARAGE

HOUSE

17.5'

10'



SCALE: 1" = 50'

N84°09'55"W  
97.65'

25'

N03°52'43"E  
157.28'

S03°52'43"W  
173.28'

N86°04'50"W  
99.95'

N03°52'44"E  
207.44'

N66°20'25"W  
44.76'

WEST MILITARY AVENUE

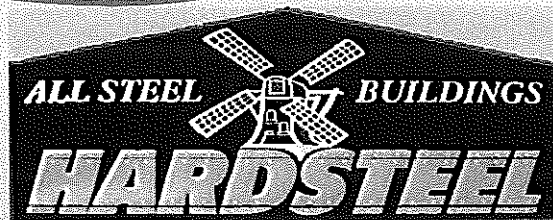
N66°34'02"W  
262.93'

Dodd Engineering  
& Surveying



Stephen W. Dodd P.E. & L.S.  
Ph. 402-727-9067  
402 North D, P.O. Box 1855  
Fremont, NE 68026-1855  
email: Steve@doddengineering.net

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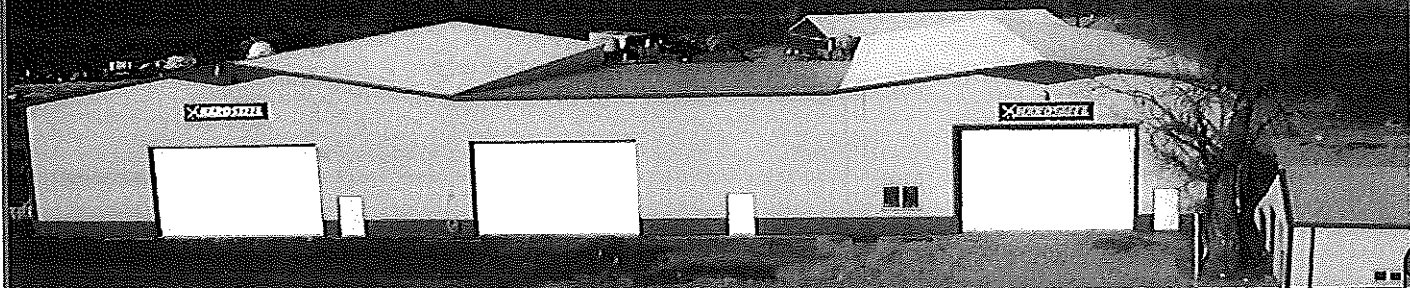
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- ◆ Full Door and Window Trim
- ◆ Anchor Bolts and Anchor Bolt Drawings
- ◆ Meets All IBC Code Requirements

Decatur, Nebraska ~ Decatur Rural Fire Department

80' x 80' x 16'  
w/ 32' x 80' x 9'-4"  
w/ 32' x 16' x 9'-4" Wings



## STAFF REPORT

**TO:** Honorable Mayor and City Council

**FROM:** Kim Volk, City Clerk/Treasurer

**DATE:** June 23, 2014

**SUBJECT:** Group Med Partnership lot combination SE 1/4 SW 1/4 9-17-8

---

**Recommendation:** 1) Move to reconsider Resolution No. 2014-099. 2) Move to amend by rescinding Resolution No. 2014-099.

---

**Background:** Lot combination for Group Med Partnership was not necessary. Resolution needs to be rescinded.

**Fiscal Impact:**

**#33**

**RESOLUTION NO. 2014-099**  
**(RECONSIDERED AND RESCINDED JUNE 24, 2014)**

A Resolution of the City Council of the City of Fremont, Nebraska, approving the request to combine part of the SE ¼ SW ¼ of Section 9, Township 17 North, Range 8 East, Dodge County, Nebraska into one lot.

NOW THEREFORE BE IT RESOLVED: Resolution No. 2014-099 passed May 27, 2014 is hereby rescinded in full.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
Scott Getzschman, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Volk, MMC, City Clerk